

BOARD OF MAYOR AND ALDERMEN

July 11, 2006

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Mayor Guinta stated we will address item 3 of the agenda. There are 34 high school seniors that we’ve invited to come before us this evening you will be entering into military service and I think it’s important that we as a community recognize the decisions that young people in our community are making and feeling that it’s important to make a commitment to our City and to our state and to our country, so I am going to ask the members of the Board who have served in the armed services if they could come with me to make this presentation...Aldermen Osborne, Pinard, Lopez, Shea, Garrity, Smith and Forest...I believe that’s everyone, am I correct...if everyone can come forward with me.

The Clerk called upon the following students:

Manchester Memorial High School, Matthew Armstrong (present)
Manchester High School West, Joseph Bergeron
Manchester High School West, William Castelot, III (present)
Manchester High School West, Eric Cooke,
Manchester Central High School, Andrew Crisp
Manchester High School West, Marc Duval
Manchester Central High School, Maurice Ellison
Manchester Central High School, Skyler Eno
Manchester High School West, Eric Gagnon
Manchester High School West, Patrick Gleason
Manchester High School West, Jonathan Gosselin
Manchester High School West, Korey Hamm
Manchester Memorial High School, Jonathan Harkins
Trinity High School, Andrew Kirouac
Manchester High School West, David Law
Manchester High School West, Francis Lescault
Trinity High School, Kevin McGee
Manchester Memorial High School, Derek Morin
Manchester High School West, Cesar Ortega, Jr.
Manchester Central High School, Ryan Ouellette
Manchester High School West, Erika Peace
Manchester Central High School, Manuel Raymundo
Manchester Central High School, Vechelle Ross
Manchester Central High School, Daniel Salem
Manchester High School West, Brandan Santos
Manchester Memorial High School, Joshua Shaw
Manchester Memorial High School, Cassandra Silakos
Manchester Memorial High School, Cassandra Smith
Manchester Memorial High School, Nicole Thompson (present)
Manchester Memorial High School, Cara Tripp
Manchester High School West, Jessica True
Manchester High School West, Luis Vasquez; and
Manchester Central High School, Lemel Wong

Mayor Guinta stated we certainly wish you well in your service and we thank you for your decision and your commitment to the country.

Mayor Guinta recess the regular meeting to return to the public participation session.

Mayor Guinta called the meeting back to order.

Mayor Guinta stated item 4 has been cancelled as I understand it.

4. Presentation of Certificate of Appreciation to the City for its assistance during the flooding in May by Seacoast Career Schools.

Mayor Guinta recessed the meeting in order to allow setup for the Refugee Resettlement presentation.

Mayor Guinta called the meeting back to order.

5. Presentation of Report on Refugee Resettlement in Manchester.

Mr. Fred Rusczek, Public Health Director, stated for the purpose of this presentation I was also the Chair of the City Government Refugee Advisory Committee. The City Refugee Advisory Committee was actually established by Mayor Robert Baines...this was established in February of 2005 and we got going as a committee sometime late and into early this year 2006. When the Mayor asked this group to come together after the community...a few issues came to his mind that he was quite concerned about...one of them was when school registration occurred in August there were about 60 refugee children who were completely unexpected and secondly was the concern relative to lead poisoning and third was the concern related to access of other health resources. The Committee was made up of myself, Robert MacKenzie the Planning Director, Paul Martineau the Welfare Commissioner, Henry Aliberti the Assistant Superintendent of the Manchester School District, John Jaskolka, Police Chief, at that time Mike Colby the Mayor's Assistant and William Shea, Chair of the Board of Aldermen. When we started our work we reflected upon the fact that most of us were two generations so a lot of the work that we did in this we really thought through...how would we want to see our grandparents treated and helped along. I think there was only one person in the group who had three generations. So, the purpose of the City Government Refugee Advisory Committee was to examine the resettlement process for refugees entering Manchester with the goal of ensuring that resources, services, employment prospects, education, health care and housing have all been appropriately considered prior to resettlement. As a committee we reviewed what we could measure as an "impact on City services" and I'll speak to that later on a little bit. We heard a presentation by the New Hampshire Office of Refugee Resettlement, we received presentations from the International Institute of Manchester and Lutheran Social Services but is located in Concord. We received

a presentation by the Greater Manchester Association of Social Service Agencies that was referenced by one of the speakers tonight that they established new American subcommittees and task force for the GMSSA group and interviewed a few refugees in that process and we looked at the numbers and data from the United States and other states and other communities in New Hampshire. Some of the questions that came to mind in our research and I'll read these off:

- How does the State, or Federal Government determine where, and how many refugees should be resettled, and what is the process that leads to refugees being resettled in Manchester?
- How does one determine community capacity to assimilate refugees and how is the community capacity factored into the decision to resettle refugees?
- How does Manchester compare to other NH communities?

Mr. Rusczek stated we were really trying to understand the process and how it all works.

- Does the resettlement of a disproportionate number of refugees in Manchester constitute an "unfunded State mandate"?

Mr. Rusczek stated most importantly

- What are the issues that refugee families face?
- And, lastly, what system changes would improve the resettlement process as well as the changes for refugee family's success in Manchester?

Mr. Rusczek stated ultimately that's what we all want on every resident in the City of Manchester to find success here and lead a productive healthy and happy life. If I can just step back...there are some terms that sometime get mixed together. A refugee is a person who is outside of his/her country of nationality; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group, or political opinion, and is unable or unwilling to avail him/herself of the protection of that country, or to return there, for fear of persecution..."...that is a definition that was created by the 1951 International Refugee Convention and I bring that out here because some folks believe that the refugee resettlement across the world is outdated. An Asylee is a little different than a refugee. An Asylee is a person who seeks refuge in the United States but after they entered the country...tennis players in some place who say I want to stay, I'm seeking asylum and the United States will perhaps then offer legal protection and assistance if needed. An immigrant is a person who comes from another country to settle permanently in the United States...right up front, it's all about a person going through an entirely different process. The international body responsible for coordinating global efforts to protect refugees and resolve refugee related issues is the Office of the United Nations High Commission of Refugees. This was established in 1950 by the United Nations General Assembly and currently it is estimated that there are 17 million refugees, asylum seekers, internally displaced persons for those that might be refugee families and recently returned refugees in over 150 countries. The United States is not alone in accepting refugees, there's

143 different host governments that are parties to that 1951 convention and since 1951 over 50 million people have been resettled as refugees. When I think of the term refugee I look at it as a term to describe why a person has entered the United States rather than who they are or where they are from. And, that's really an important distinction...a refugee may be from any country whether a developed nation or a third world country, they may be highly educated, they may be illiterate, they may be skilled labor, they may be unskilled labor, they may be young, they may be old, they may be black, they may be white with blond hair and blue eyes. So, there really is no way to say well a refugee is this old...we certainly in Manchester have a broad array of refugees. There is some refugee assistance that comes from federal money and there's actually some state money. Refugees receive a no interest travel loan to the United States. They receive eight months of refugee cash assistance to help them live and refugee medical assistance...refugees have Medicaid for the first eight months, children will continue on with Medicaid...they receive food stamps, housing assistance, furnishings, food and clothing, social security card...there are other things that are provided by resettlement that aren't listed like language classes, job placements and a few other things but basically this is what the core benefits are. The resettlement agencies in New Hampshire...there are three primary agencies involved: at state government the New Office of Energy and Planning which houses the Office of Refugee Resettlement, Lutheran Social Services which again is located in Concord and the International Institute of New Hampshire right here in Manchester. The process...the U.S. government determines how many refugees it will allow to enter the United States each year. The U.S. State Department and the U.S. Department of Health and Human Services with the non-governmental agencies...ten or so large ones like Lutheran Social Services, the International Institute of Manchester is a subsidiary of a larger group that settles in other space as well. And, so they work with the non-governmental agencies to sponsor refugees to resettle them nationwide. The federal government, in consultation with the state...the state will provide recommendations to determine how many refugees each state will receive. In New Hampshire, the state provides recommendations on numbers of the federal government but it is actually from what we've been told Lutheran Social Services and the International Institute of Manchester who determines where in New Hampshire the refugees are being resettled. The numbers...this is a good point to talk about some variations of numbers in the report. These are the numbers of refugees that have entered Manchester in the last ten years. These are based on the City's fiscal year as you know is July through June. Our numbers are from a line listing of all the refugees seen by the Health Department. One of the first stops for any refugee entering the United States is the Health Department for public health screenings. So, we keep a line listing from sponsoring agencies so our numbers can all be tied back to names. So, if there are any questions about the accuracy these numbers all tie back to names. But, here is where there is a little bit of a difference. Other agencies based their numbers on a calendar year basis and the federal government keeps their information on the federal fiscal year. The other point I'd like to make is keep in mind that the term refugee describes why a person comes here but many move on very quickly...no longer being considered refugees. So, if you're looking at fiscal year 1997 I'm sure the majority of those refugees have moved on at

least to legal immigrants to getting a green card and probably many of them have moved on to citizenship. So, refugee describes why but it doesn't mean that a person stays a refugee their entire life here. From the state website between fiscal year '97 through fiscal year '06 refugees came from 29 countries of origin as you can see from all over the world and so when you look at the process again I went through a very quick overview but I think the important part of this presentation is when we get to the recommendations but from the federal law are the following excerpts that are important to keep in mind and certainly were important to the committee. The Federal Refugee Act indicates that:

- voluntary agencies should conduct their activities “in close cooperation and advance consultation with state and local governments.”

Mr. Rusczek stated another section of the law refers to the:

- type of consultation “the availability of employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees in the area.”

Mr. Rusczek stated so those are important excerpts of the federal law to keep in mind. So, how the process in New Hampshire works is what we found is that the state doesn't really use any methodology in terms of the capacity of a community to assimilate refugees and that if it did use such a process and say well so many refugees need to go to court in Nashua then it could very well under state law be in conflict...when we try to understand that came up. And, there also isn't a process for a New Hampshire community to have input in the state plan as part of where refugees are resettled. A community can't say that we have a very large employer to welcome the refugees...for example, Utica, New York has a large employer by the name of ConMed...they welcome unskilled labor...they had more jobs than they had workers. So, ultimately where and how many refugees are settled in a community is up to New Hampshire's two resettlement agencies. I know this isn't very easy to read or legible but I wanted to put it up just to point out that as a committee we wanted to take a look at other communities in New Hampshire and kind of compare where we are and compare how things are and again we're just trying to get an understanding of how does one determine capacity of the community. So, we looked at some different things and one is just the percent of residents who are already living under the federal poverty level and by this comparison Manchester has about 7.7% of our population under the federal poverty level by the 2000 Census compared to Nashua with about 5% and other large metropolitan areas like Salem at 3%, Concord at 6%. We also looked at...again, the whole idea of how do you measure a community's capacity is the per capita income and the household income and when you look at the median household income in Manchester our median household income was lower than any of the four communities...but median household income was \$40,700 compared to \$60,000 in Nashua and \$58,000 in Salem and in Concord about \$43,000 and ultimately when you get down to the last line as we know Manchester has been the site of many refugee resettlements...on this slide this was for fiscal year 2000-2004 and in that time period Nashua received zero refugees. In fact, I think over the last 15-20 years Nashua has not received any refugee resettlements. In Concord which has a similar

household income median as Manchester received 210 which is almost proportionate and again Salem another larger population area didn't receive any. Again, the purpose of this just led us to understand that there really isn't a process to determine the capacity to deal with/assimilate refugees. I put all this on one slide and it took up a lot of time of the committee in researching and thinking some of this and there's a reason why it's all on one slide. When we got to the recommendations I think it's all about the process of where we go. But, when we look at housing it is true that Manchester has housing is that considered affordable but the concern here is that a lot of our affordable housing would not be appropriate for them. In 2000, we had a two-year old refugee child die from lead poisoning and that was tragic, it was the last death to lead poisoning in the country prior to that over ten years earlier. We also have had a large number of children who don't die but are poisoned. In fact, figures that we received from the New Hampshire Division of Public Health Services shows that for fiscal year '05 about 20%, 1 in 5 of refugee children with lead poisoning. Now, the Health Department after we had the death of the child in 2000 we stepped back and said wait a minute what can we do...so, we refugee children come into the Health Department early on we'll tell you we've never picked up a child coming in from another country with lead poisoning. Kids don't come to the United States with lead poisoning...it's an issue that is kind of three-pronged...one, housing and particularly in the northeast; two, we have children that are malnourished and being malnourished children are anemic...blood is looking for iron and when there's no iron lead is a wonderful substance. And, third, we have families who because they've come from countries where lead poisoning is not an issue have no understanding or even the concept of poisoning by lead. So, you've got the three-pronged issues. Now, this isn't to say that Manchester children getting lead poisoning too...they are. But, as we know refugees comprise a small part of our Manchester population but of the 120 or so children in that same fiscal year so that is a concern to us and there's a tremendous health care cost as a result. There have been four kids that same fiscal year who went on to be hospitalized for treatment for lead poisoning and even today I just heard a story of a child that's going back-and-forth to Boston...so, there are issues related with housing and the other issues are that sometimes it's difficult for resettlement agencies to find adequate housing. I saw in the paper a while back about a child, a refugee child in a wheelchair put on the second floor...there was a time when 16 refugees were put in one 3-bedroom unit about a year or so ago. Housing is a tremendous pressure. Health care...first, I need to tell you that refugees do not pose a public health problem to anybody in Manchester. We all need to understand that. When someone comes in from another part of the world it is true that they bring with them what their health issues are and across this world there are many health issues. But, the process that is set up with having one of the first stops being the local health department dealing with what are America's health issues of yesterday is very easy for us...for all those issues are taken care of as long as we can get access to health care and the community does a great job with that...that is not to say that there aren't access to health issues and through the Health Department receiving the outside funds we're looking at establishing services that are the most sufficient for refugees and others and when you look at a refugee population it's important to think about wraparound

services...bringing refugees into a clinic setting and bringing the services to them. It's more efficient than one interpreter. Education...we heard earlier today that refugees make up a small portion of the children who are English language learners in Manchester schools...that's true...but, no one can deny the need is much greater when they come from a country where as some reports say they have to learn to walk upstairs and everything else. These children are at a little greater risk. The report points out, just to correct something else that's been said...the report points out that the English language learner costs include children of immigrants so it should be clear to the reader that cost includes it all. This is a good a time as any to talk about costs and I want you to know that the committee really couldn't break out a lot of costs. To its credit the City of Manchester clears people coming through its door as residents. We don't say okay we'll let's add up the cost for this one or that one. The Health Department is totally different. We sometimes need to measure whether or not a person is a refugee so we can take advantage of the costs and we can look at our interpretation costs which aren't included so I think it's important when you look at costs in the report we tried to be conservative, we can't capture all the costs because ultimately this report wasn't about costs any way it was about process and what we can do better.

Employment...certainly, when some of the larger employers such as JacPac and TCT closed it's becoming more and more challenging for some refugees to find jobs. Now, that's not to say that every refugee that comes into Manchester is going to be unemployed for the rest of his life because clearly we know that's not the case. There are many success stories here in Manchester and in fact the Health Department has hired refugees and former refugees and have done a...I'll tell you when it comes to work ethics, passion...wonderful employees I would take dozens more. So, when you look at...these all come up as issues for refugees in the community and refugee families. So, how do we compare to other states...this one surprised us...now, please note that in the first paragraph is says "FFY04" those are federal fiscal year numbers. In the report I compared them the City of Manchester fiscal year so that everything was consistent throughout the report. However, if you got to the New Hampshire Office of Refugee Resettlement website and use it's number...in FFY04 which was last fiscal year which is why it was chosen for comparison...in FFY04 Manchester resettled more refugees by itself than 26 individual states including Maine, Vermont, Rhode Island and Connecticut. Manchester itself resettled more refugees so that again becomes a sign of a marker to consider when we go through the study. Now, I think it's important that we step back for a minute and just reflect that this community has been very welcoming from health care provides to agencies like GMSSA and to City government. The list could have gone on for many slides but I just wanted to point out a few that I...one of them is the Manchester School District F.U.N. night (Families United Night) and this is done by volunteer teachers and others who have refugee families come in once-a-month, the children come in for some structured playtime while there are informational sessions provided for parents like the Police Department and there might be others and it really is a wonderful, warm reaching out to families. There's things that we've done together...the Health Department and School District...school registration process for refugee families. It's much easier to kids to get their immunization shots and get all of their records at the same time as school registration,

so we do that all together...that is done every August for a couple of days. And, again, there are others...we were the Health Department in the country to change the way the United States communities look at lead poisoning prevention so that we started providing children because we're often the first ones to see them with vitamins to increase their iron as soon as possible and that got picked up as a model across the country. We also worked with the resettlement agencies to establish a Civil Surgeon Clinic and that facilitates the refugee adjustment status necessary to get a green card and eventual citizenship. There is no requirement that we do that but prior to the Manchester Health Department doing Civil Surgeon Clinics one Friday morning a month refugees had to travel through Nashua so we do that here in Manchester. So, we get to the recommendations and there are only three. I know I've taken too much time and here's what we concluded. We really want to speak to the process as well as the needs of the families. So, we believe there needs to be more oversight by state and local government is warranted. There needs to be a process that includes government representation. After the initial eight months I think we have to accept that we will have refugee families that will continue to need support and I think we need to look to where that support might come from. So much of the funding for it has been for the first eight months...we need to look as a community and try to assess where there might be federal support or others beyond that initial eight months. To us the ideal outcome of this recommendation would be that the resettlement process be managed by a partnership between the local and state government, including the Departments of Health and Human Services, the Department of Employment Security and the Department of Education and that the non-project refugee resettlement agencies should work closely with this partnership. In most of the states we've looked at the Office of Refugee Resettlement sits under the Department of Health and Human Services. We feel that their involvement would be very helpful on any of the issues with health or human services to have them more directly involved in the process. The second recommendation is that the City should convene an advisory body of resettled refugees and immigrants to meet with key City department heads quarterly or maybe twice-a-year to provide feedback to the City on the challenges and successes of Manchester's immigrant and refugee families. One thing I recall a member of our committee saying it...after we interviewed some refugees he said it all seemed so clear until we heard from the refugees themselves and I think that's really true. In health and human services we talk about cultural competency. Cultural competency to me means putting yourself in the shoes of the people you are serving trying to see the world through their eyes and then seeing where you can meet them. The best way for us to learn what the issues are and where the City is, where the City can help is to meet directly with the refugees and if these recommendations are accepted we will move in that direction. And, also the ideal outcome would be that working with the City or another designated community agency this advisory body can prepare grant applications toward its work and the worker groups that support immigrant and refugee families after the eight-month resettlement period. Can promote model practices, can monitor the needs of our families and monitor resettlement issues. One thing again that is welcoming is I've been in Manchester long enough to recall the days when every year there was an International Festival and there still are some going

on but a multi-festival and perhaps a group like this could help bring that forward. And, the last recommendation is and this come after the other two are in place...working with experts in the Department of Health and Human Services, Department of Education and with community agencies and most importantly refugee families...we need to look at refugee youth specifically...because children who don't speak English, children who don't have the same culture as ours are at increased risk of school and social failure. In working with the Manchester school and community youth service organizations, we need to make certain that we're employing the best practices to ensure that problems are prevented and that children move on and become successful in life. I don't know if...I'm sure that most of you noted that this year the three valedictorians at Manchester public schools two of them were either first-born in other countries or first generation so the work ethics and everything and we need to help them and the ideal outcome would be that there be special efforts to link all refugee children to sports, serving agencies, extracurricular activities. Again, it could very well be that two generations from now sitting before you some family that entered this country as a refugee perhaps even more likely...thank you, that is the overview of the report.

Alderman Lopez stated common sense recommendations could apply to any group of people. Why was there such an uproar about something like this in the City of Manchester and along that line you said that you couldn't come to a cost factor and looking at some of the things that were presented us...I'm not going to go through everyone of them but one of the areas that you hit on was after eight months and according to this on page 3..."Currently, there are not any community agencies or programs who mission is to support the acculturation of refugee families after the initial eight months."...and they have a program that they get grants for beyond the eight-month resettlement...did you get any feedback to that as they sort of taking care of their own so to speak?

Mr. Rusczek replied there are challenges there...I mentioned the cost and there are challenges there like the Health Department and I tried to stay conservative on the cost side. In terms of services beyond eight months what we will find is there is a great interpretation as to what is a service that is necessary for every family. So, just a small program might be a service but might not address what our needs may be...where they may have language and financial barriers.

Alderman Lopez stated you also mentioned in reference to working in the mission of the federal refugees working locally and the state...did you explore that as to if the non-cooperation was there as to what action you could take or we could take...if they did not comply with their mission?

Mr. Rusczek replied in preparing our recommendations we felt that it's appropriate before we take any action to come back to this body and in speaking with the Mayor we felt that was appropriate.

Alderman Shea stated I want to commend Fred. I worked on the committee but I told him before the meeting that he's really the one who generated this report, he worked very diligently...I can't speak for other members but I know that I did attend several meetings, listened attentively, took notes but Fred is the one who generated this report and he is to be commended for the outstanding work...I'm not sure if he had any backup help at the Health Department but this report is very conclusive and I know that we did receive material indicating that there was certain statistical data that was not compliant with '06, however, most of the reporting that he did is very accurate and of course the people who represented the agencies both the Lutheran as well as the New Hampshire Institute were very helpful in informing us but I think that there was, at times, some sort of a miscommunication as far as we would be concerned as to what the role really is and how do we follow up. I know a representative of the state was here this evening and agreed to give money to Manchester but as Alderman Gatsas indicated we're taking in the majority of refugees but yet the money that we're receiving back does not complement what the City has had to spend. But, I'm sure that these problems will be resolved as we get more and more into discussions. But, I do want to commend Fred, Mr. Rusczek, for his fine work. He is the one who did the report and worked very diligently for better or for worse as far as the report is concerned, Fred, but I think it's very good. Thank you.

Alderman Osborne stated Fred you mentioned before in the report that the U. S. government and the state determines how many refugees come into the state and who again determines what City or town they go to.

Mr. Rusczek stated from what we can understand of the process the state makes a recommendation to the federal government about how many refugees should come and they might be able to say where they go to but it's largely left to the resettlement agencies.

Alderman Osborne stated it is kind of difficult to tell somebody where to go and where not to go. You also mentioned affordable housing in Manchester. For somebody that's a refugee that comes in and doesn't have a job or is looking for a job and so on and so forth how can they afford the rents that are out there today from \$800 to \$1,500 a month?

Mr. Rusczek replied it's perhaps one of the challenges to find housing that they can afford. Part of the challenge with the housing is what we might save in housing costs from the health care costs. I think that's a challenge everywhere.

Alderman Osborne stated of course in my ward I have quite a bit of it I'm in the center-City so the rents there are quite high for what you're getting and it would be hard for just one family to afford that kind of rent so again how many families would you say live in one apartment?

Mr. Rusczek replied I don't know...there is no way to monitor that. The report that we used about four or five months ago is a statistic that came out that stuck in my mind was an average \$7.78 per hour...that's quite low and can be real challenging.

Alderman Osborne stated so really out there today I feel when they say affordable housing...I don't know what they mean by affordable but I wish them a lot of luck. Thank you very much.

Alderman Gatsas asked can you tell me why you didn't...before you came out with your final report...why you didn't talk to the two resettlement agencies to get their input on this report?

Mr. Rusczek replied actually the two resettlement agencies came before the committee and presented to us the report was issued about a month or so ago to allow for a period of time for comments. It was a report done by City governmental agencies to look at the process and the process is one that is there. It wasn't one to go back and have all the non-profit agencies that might serve involved in providing services to take a step back and take a look.

Alderman Gatsas stated I'm not looking for all the non-profits to be involved but I would think that the two largest resettlement agencies in the state would have the bulk of the input of this report.

Mr. Rusczek stated we did have an opportunity.

Alderman Gatsas stated not from some of the comments we heard at the public testimony.

Mr. Rusczek stated this was a report that was done by City government...right or wrong...

Alderman Gatsas stated there are some editorial things that when you read through this report that as you read them they appear that it's not necessarily about refugees but it's also about legal immigrants and I don't know if the comparison is being made or if it's just talking in a single-term of refugee or immigrant and if you're combining those terms.

Mr. Rusczek stated certainly we didn't intend to. We tried to look at that process differently. The only place that immigrants are included was that because we couldn't breakout refugees from immigrants other than that it should be separate. There might be section in the report that refer to immigrant families in sections that refer to the welcoming part...things we do when we talk about welcoming refugees to services and we couldn't forget others with diverse backgrounds as well.

Alderman Gatsas stated I'm kind of looking at some of these situations that when we talk about 80% of the people or the refugees coming to Manchester and I guess I don't know if

Amy's still here to answer some of the questions regarding funding that comes forward...I don't know if she's prepared to answer them. I guess my question is is it obviously federal grants come in and then there's an administrative cost and what's the administrative cost from the state back to the settlement agencies...are we getting the most money to these people and who makes the determination of how that split is made, I guess is the question that I have? Sorry, you were kind of drawn into it.

Ms. Amy Ignatius, Director of the Office of Energy and Planning for the State of New Hampshire, replied that's okay. I'm happy to help out if I can. I think I really do need to get you more detailed information because there are so many different sources of funds for different purposes allocated in different ways...some issue by competitive grants, some issued by a simple pass through according to the number of refugees, some have formula structures, they really vary. There is no one answer. But, I can gather that for the City for everything and we highlight in particular anything that's based on Manchester's numbers for you.

Alderman Gatsas stated I would assume that none of these grants or these funds are sent to Nashua.

Ms. Ignatius replied that's correct.

Alderman Gatsas stated if it looks like the number is being correct then the numbers should be predominantly coming to Manchester and Concord. So, you're saying no federal funds or any of these granted programs...none of those dollars are going to Nashua...I'll let you take a look before you answer that.

Ms. Ignatius replied I am not aware of any if there's difference please tell me and when we talk about Concord it's important to know that Concord is sometimes a broad term to really refer to all of the people who are settled by Lutheran Social Services which is based in Concord but has settlements throughout the state. So, it could be Tilton, Laconia, Hanover and other different places.

Alderman Gatsas stated so what you're telling me is that there is no pattern of federal dollars that come in yet there are 300 refugee families, 300 refugees that are coming to Manchester there is no allocation of dollars that followed them in first or with them.

Ms. Ignatius stated there is and I apologize if I didn't state that correctly there are so many different sources of funds...there's cash assistance, there's medical assistance, there is money to the agencies themselves to assist in finding housing, finding jobs, language training services that's on a per capita basis for the refugees who are assigned to them and then there's grants that go directly to the school district in some cases or to the health department, St. A's to help with language services...there's a broad array of them so I'm

having a hard time giving you a definitive answer that would apply to everything and I don't want to misstate it that is why it may be more fruitful for me to gather all of it into one piece of paper for everyone.

Mayor Guinta stated it appears though that there is some discretion at the state level as to how to allocate those funds and I think the general question probably on many minds of the people in the room would be why would the state not use that discretion on a total per capita basis and focus the larger percentage in Manchester when it's clear that someone whether it's the state or refugee resettlement agencies is making the decision to resettle the greatest number of refugees in Manchester.

Ms. Ignatius stated Mayor you're correct and that is the case. For example, I mentioned the School Impact Grant (\$125,000) per year...that goes 100% to Manchester. There is no similar grant to any other location in the state. We even have the discretion to decide how to apply it and that's what we did.

Alderman DeVries I'll put the question that I have out there and let either Fred, the Mayor or Amy answer as appropriate. We did ask a discontinuation of the program for about six months, I believe, that we halted new...three months...was there any response from either the state or any of the resettlement agencies after the red flag should have gone up when the City of Manchester said we're overwhelmed by the current wave and the difficulty with education, health and other issues after that three-month halt to the program?

Ms. Ignatius replied I know that...and I was not working there at the time with this organization or in this issue so I can tell you what I've learned in the last couple of months...at some point, there was a request that our office make a recommendation to people in Washington to halt services for a while and not resettle anyone because the City was becoming overwhelmed and we did that and they were responsive to that request. I think your question was were red flag going off earlier than the point at which there was a request made to my office to do so and I don't know there may have been and if that is the case we should have been more alert to it. I honestly don't know. I think we are trying to be more attuned to that, it does no one any good from any aspect of this to let tensions build to the point that you have to make that sort of request and so if we can increase our communication to be more attuned to what concerns are in the host cities all of those cities know how to get information to us, keep talking about it and hopefully we are in early and when needed to make recommendations when it is appropriate.

Alderman DeVries stated what I really was asking is knowing that we were feeling overwhelmed here in the City and needed some time to catch up and assimilate some of the costs, the access to health care issues, the education, the language barrier issues was there ever some sort of a discussion at the state or agency level that considered that and has looked at it and said okay Manchester should no longer feel overwhelmed...has there been an on-

going evaluation from the state agencies to identify whether Manchester still has capacity to continue to accept or if other communities should be...if I can...sharing their fair share...it's not that we're not welcoming but at some point the expenses become considerable.

Ms. Ignatius stated the numbers were brought down and have stayed far lower since that point of crisis in 2004 and I think that's even true nationally...everyone was hit pretty hard in 2004 and Manchester's situation is not a typical of many, many cities. The larger question of why there is a higher percentage of people settled in Manchester compared to other cities really has to do with the structure of the agencies, the model they use...why Lutheran Social Services places people throughout many, many different communities and the Institute places people only in Manchester has to do with how they are structured as their whole resettlement model and that's something that we don't determine...my office just doesn't decide if that's appropriate or inappropriate but I think that's an element of all of the professions...the total numbers, the timing and it's also the settlement model that are enacted in the state.

Alderman DeVries stated one final comment and not meaning to catch you off guard this evening is there, in your interpretation, some additional assistance beyond what the \$50,000 you indicated tonight might be coming to Manchester as part of the School Education Grant...is there any other grant or funding available to assist the City of Manchester?

Ms. Ignatius replied we are always looking and right now exploring whether there is a source of money for a Refugee Health Coordinator position...the Director of Refugee Services in my office brought that to me about a month ago as a possibility and so we wanted to see if we could obtain funds to do that. It would be a position in Concord to serve all agencies in all communities that are hosting refugee families so it wouldn't be Manchester specifically but obviously that is a huge element of the refugee services in the state and this had tremendous issues before and particularly on health issues so we recognize that that's a need statewide and a need for Manchester to assist...we wouldn't be providing direct services to refugees it would be to coordinate people like the Manchester Health Department in services they provide in identifying additional needs and assessing medical problems, recommending solutions and just helping people learn to deal with diseases they may not have known about before, treatments that they're not that familiar with. With people from other cultures you sometimes get all new kinds of health challenges.

Alderman Long stated I understand that the financial is very helpful with the situation, however, my major concern is how are these new residents faring? We have a future of a secondary resettlement...the bottom line is they're welcomed here and although finances are needed what is in place assuring because as Alderman Gatsas has mentioned I accept your report, I understand the report, however, it's not as diverse as it may have been. My sense is that there should have been more input with other agencies and then like I said at the

beginning my interest is how are these new residents faring and how could we immediately help those that are in need of help now?

Mr. Rusczek replied I think that very comment is what led the committee to recommend the establishment of a committee made up of refugees and in this case immigrants to work with City government. We have a lot of anecdotal stories and that's not good to establish policy and it's an impressive success story and there's also some challenges. I know one challenge that I recall and who had come in...a refugee from Africa...been here less than two years and she learned to speak perfectly, wonderful English, she was in college and he was trying to get a job and she was looking in Nashua and for her her obstacle was the employer seeing that she lived in Manchester wanted her to get a driver's license so that she had some way to get to way...of course, she had no car and had rides worked out and to her the challenge was she had no way to get a driver's license...a driver's education program or whatever...so the point is there are a lot of anecdotal stories that I might hear or someone might hear.

Alderman Long stated so the sense I'm getting is through testimony and through this report is that there should be a collaboration of non-profits and government entities to get a clear, concise plan as to where these residents could be helped now and also financially.

Mr. Rusczek stated the Greater Manchester Association of Social Service Agencies under Fr. Paul Crawford has asked for Manchester's new members.

Alderman Gatsas stated Fred anywhere in your study that you did did you quantify a dollar amount because we keep talking about an impact on the City? Now, is the impact on the City a quantified dollar amount that we as people representing the City can go back to the federal government and say we're fine with accepting these people but the qualified quantity of dollars that are coming into the state or into the Manchester area don't associate with the number of people that are coming.

Mr. Rusczek stated the reason being is we're really not set up to.

Alderman Gatsas stated this report talks about dollars that accompany a refugee in...throughout this report it talks about they're given assistance for...

Mr. Rusczek stated I follow you, you mean the money that's going to the government agencies for each refuge.

Alderman Gatsas stated correct. That's my question...that resettlement agency gets those dollars...is there a duplication of services that are coming from other products that we don't know who's on first and who's going to second because I'm saying if the total dollars coming to New Hampshire is a million dollars and we only have 100 refugees then we understand how that's divided but if we have no understanding what the settlement agencies

are getting and not knowing what they're doing for services here I would think that that's got to be a very integral part of this report.

Mayor Guinta stated let me actually respond to that and unless there's any more interest in continuing I do want to try and move the agenda along this evening because we've got probably several hours to go. Let me just say a couple of things. First of all, let me reiterate because I think there is some confusion. I hope that nobody looks at this as an adversarial approach. This was started by former Mayor Baines at his request so we could get a fair handle as to what the impacts are. But, more importantly, the City wants to do everything it can to provide that hope and opportunity for any refugee who comes to this City and I want to make sure that refugees in this City understand that. But, beyond that when you look at the U. S. Refugee Act there are some requirements. We'd like to make sure that the appropriate agencies stay local and non-governmental agencies are following the requirements of the Refugee Act...the one point that I will read I think addresses in part a question that Alderman Gatsas' raises and it says...it indicates "that voluntary agencies should conduct their activities 'in close' cooperation and advance consultation with state and local governments." There needs to be an understanding and recognition of every dollar that's spent, who gets it, why that entity governmental or non-governmental gets it and we want to make sure that those dollars are being spent appropriately and efficiently because there is an impact to the City. So, this report I think in part is step one of several steps to address the challenges that we will face and that we will succeed collectively in ensuring proper housing, education, health for any refugee that comes here. So, I do want to commend the members of the committee and I think our Health Director did an exceptional job and he certainly has my support in trying to do everything he can as a Director of Health to provide that open access for people who come to this country seeking that opportunity. There's a couple of things we could do. We could either refer this to committee or...and I'm not sure where the Board wants to go or we could accept the report and the recommendations and authorize the advisory board. Let me tell you the two or three things I'm going to do. First, I'm going to call Governor Lynch, speak with him about scheduling a coordination meeting with City officials, Aldermen if they so choose, and the appropriate state agencies and the non-governmental agencies to try to address some of these issues and to make sure that we are all working collectively and collaboratively. I do want to work with Fred in item two in setting up the advisory board, I think that makes sense and I think we need to have a fair amount of input from the people that we are trying to provide assistance to and then item 3, I think, would be sort of a longer term solution based on what happens with recommendations one and two...so that's the approach that I would like to take...it's up to the Board as to whether you want to refer this to committee to discuss it more of if you'd like to make the motion tonight to accept it.

Alderman Lopez moved to allow the Refugee Resettlement Advisory Committee move forward on the recommendations requesting the Committee Chairman coordinate with the

Committee on Administration to bring forward to the full Board any necessary future actions. Alderman Shea duly seconded the motion.

Alderman Gatsas asked how are the funds coordinated that go to the resettlement agencies, who disburses those funds, is that a federal agency, a state agency?

Ms. Ignatius replied federal money that goes to the agency I think comes to our office and then to each agency based on the refugee resettlement.

Ms. Barbara Seebart, State Refugee Coordinator, stated one of the ways that money comes into the state to the agencies is through the State Department. It goes from the State Department to the national voluntary agencies, then to the local affiliates...that's a per capita for refugees.

Alderman Gatsas stated when you say the State Department you're talking about the...

Ms. Seebart replied the federal, right.

Alderman Gatsas stated the Department of Justice here in the state.

Ms. Seebart replied no, federal...through the Federal Refugee Program...it passes money through the national voluntary agencies who then pass it on to their affiliates which in New Hampshire are Lutheran Social Services and the International Institute of New Hampshire on a per capita basis.

Alderman Gatsas stated so if there are 50 refugees that are going to either one of those centers "X" amount of dollars follows that refugee.

Ms. Seebart replied that's right. Also, it goes to administration for the agency...half goes directly to the refugees.

Alderman Gatsas stated 50% goes to administrative costs.

Ms. Seebart stated it's only \$800 per capita for refugees.

Alderman Gatsas stated my question is 50% goes to administrative costs.

Ms. Seebart stated direct service costs...staff to perform direct services.

Mayor Guinta stated I think this accentuates the need to sit down with the agencies both governmental and non-governmental to get at the root of these issues and at some point I think the delegation probably needs to get a report from us and recommendations about if

there are any legislative changes or rule changes that need to occur at the federal level because again I think the interest probably here is to maximize the dollars to follow the refugee, provide that direct assistance to the refugee. Now, we're probably doing a very good job and we probably can improve it but this is, I think, the root of the concern that was expressed back in 2004 and 2005 and it remains a concern today.

Alderman Lopez asked is there any way further down the line like Alderman Gatsas...where's the beef, where's all the money. Is there anybody in the state agencies that can give a report of all the agencies that are receiving money because the agencies must be a 501-3C I would presume...no.

Ms. Ignatius stated I don't know what their status is but I can offer you that our office, the Office of Energy and Planning will put together a report of all of the funding sources we know of, the amounts going and for what purposes.

Alderman Lopez stated and what we get.

Ms. Ignatius replied yes.

Mayor Guinta stated based on the U. S. Refugee Act the information that you're talking about should exist and there should be a collaboration between the non-governmental agencies and the state and the local community and I think the position of the City is that we'd like to strengthen that relationship to make sure that we're maximizing those dollars. Further comments...there's a motion on the floor.

Alderman Long asked are you still going to move on the first two proposals?

Mayor Guinta replied it sounds like the motion would allow me to do that.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

6. Presentation regarding development in the Gold Street area including petition to amend zoning districts submitted on behalf of GFI Gold Street, LLC now to include Map 875, Lots 14, 15 and 16 as recommended by the Planning Director, various agreements and future actions to be considered by the Board.

Alderman Garrity stated I promise to be brief because I know we have a long evening. As everybody probably knows Gold Street has been an issue for years-and-years...just briefly about 16 to 18 months ago I was approached by Mayor Baines...Home Depot had some interest in relocating to the AG (Associated Grocers) site and it's something I think works for the neighborhood. Before we begin this evening I would like to introduce the team from The Home Depot development team...Steve Goodman from GFI Partners, Susan Duprey and

Attorney with Devine, Millimet and Bob LaRoche, Andover Strategic Alliances. We also have Paul Harrington from the Diocese of Manchester along with Fr. Gallagher from the Diocese. Briefly, this is the area of improvements including both the east and west side of Gold Street along with the entire side of Sewall Street and the AG site where Home Depot is proposing to move. A little bit of background...as everybody knows it's been an on-going problem for 20-25 years; retail variances have led to South Willow Street retail development and that basically involved cut through traffic onto Gold Street. Traffic counts show that up to 7,500 a day do travel on Gold Street and there is no on-street parking. This is a picture of east Gold Street from the corner of South Beech and Gold and as you can see it's very narrow and very heavily traveled. This looks like bumper cars but it's really not...it the intersection of So. Beech and Gold and it's a very dangerous intersection frequented by many accidents. This is so. Beech and Gold...as you can see it's a poorly aligned intersection and with the proposed plan it would be aligned properly. Like I told you briefly this began in the spring of 2005 when GFI Partners acquired the AG site. They requested to extend the B-2 zoning...Mayor Baines, Mayor Guinta and myself basically told them no not until we solve the traffic problems on Gold Street and get some approvals for designs. Again, over the past 15-18 months we've had studies, discussions, meetings, we've had neighborhood meetings, and we've had homeowner meetings...there's been many, many meetings. This is the current AG site on Gold Street...I'm sure everybody is familiar with the property...here's an aerial view of it and this is the area that's going to be requested to be rezoned. Early on in the process GFI met with me on numerous occasions to come up with some solutions...one was Frontage Road along I-93 which would dump out into the So. Beech and Brown Avenue intersection...that was deemed not feasible. Alternate routes and some suggestions that weren't feasible it took the traffic off of Gold Street and basically put it on a different street (Sewall Street)...that plan didn't work. Alderman Pariseau my predecessor ended Gold Street at one point and one way streets again such as taking the traffic off of one street and adding it to another. This is the proposed plan and followed by maps...re-route the eastern portion of Gold Street...going to make it a 60 foot ROW through the Diocese property from Bradley Street the side street that goes out onto the bottom of Gold Street on the eastern portion. It will travel up the eastern portion of Gold Street on the north side of Gold Street. It will cross over at 374 and 390 Gold Street which the developer had purchase and sales agreements on those and then the remaining portion of Gold Street 33 to 233 Gold Street will also be widened. This will allow us to have sidewalks, on-street parking...a much safer and wider street. The proposed plan also includes two traffic signals one at the corner of Gold and John Devine Drive and also on Gold and So. Beech Street. On the west side of Gold the neighborhood was very concerned with Calef Road and I was very concerned about this turning into the other portion of east Gold where there has been some traffic calming measures that have been proposed...one of them being going up gold Street to the west when you cross over So. Beech Street you won't be able to enter there and there's going to be some bump out like we have downtown to calm the speeds and things of that nature. Also on the eastern portion of Gold Street where it abuts Ross Avenue and Sewall Street will be dead-ended with some type of plan...the neighborhood knows that I am

opposed to putting up jersey barriers there and things of that nature. Again, this plan has to be reviewed by Planning, Highway, Traffic, Fire and Police. The homeowner meetings started in November of 2005...met with the eight homeowners...seven of the eight homeowners committed and they do have their purchase and sales agreements. Part of the way to make this work is that we had to meet with the Diocese of Manchester, obviously. So, we proposed to construct the Gold Street by-pass on the Diocese site behind St. Augustine's Cemetery. They have agreed to donate that portion of the land so that we can build a 60-foot ROW. They have requested to extend the zoning on their portion that they own for townhouses and they have committed to not rezone a portion that will remain family and you'll see that in the maps coming. Some of the specifics include: 60-foot ROW, parking on both sides of the street, curves in the road to slow traffic, traffic signal to align Gold and So. Beech Streets, one-way and traffic calming measures on the west on Gold Street, west of Beech Street, and dead-end Gold and Sewall Streets at Bradley Street. Some of the advantages obviously is increased safety...road width, traffic signals, traffic calming measures/reduced speed and intersection alignment. Will produce quality of life to include visitor parking, sidewalks, landscaping and dead-end plazas. This is the AG site and apologize for it being so small but on Gold and John Devine Drive that's an improvement with a full set of lights. You can also see to your left is Gold Street and Sewall Street...both which will be dead-ended. You can see the lower half of the Gold Street by-pass and picks up at Bradley Street which has been redesigned...this is the eastern portion of Gold Street...I guess I'll start from Bradley on your right and again I've explained that it will be reconstructed and let them take Bradley over to Beech Hill. The future residential is currently the Diocese site...different ROW going up the west...on the lower portion of the by-pass is where the Diocese has agreed to single-family zoning and do a cut across those two homes and proceed west up Gold Street and at Gold and So. Beech Streets there will be two lanes ones to turn right and one to turn left. Again, you'll be able to enter the west side of Gold Street...again, it does require us to...not the City because the City is not acquiring the homes, the developers are acquiring the homes...we have about eight homeowners committed. Basically, where you see the shrubs and bushes and such is where those homes are being taken. On the west side of Gold Street between Calef and So. Beech again it's do not enter and there are some bump outs. The economic impact...if you look at the AG site is \$7.622 million, the project retail value is now \$21 million based on the latest and greatest revaluation number so you have a net increase of \$193,294. There are some other sites down there currently zoned industrial which is self-explanatory but the increase in the value would go to \$40.5 million and the potential tax revenue would be \$378,202. This is the existing Home Depot site which will in all likelihood be redeveloped...this is an existing site down near the R & L Trucking off of Mack Avenue and John Devine Drive...as you can see it's kind of an eyesore and there's a change for potential development. The cost of the project includes...acquisitions \$2.4 million, Gold Street construction would be \$2.3 million for a total of \$4.7 million. The GFI Partners has agreed to invest \$4 million of that and Frank Thomas the Public Works Director has targeted \$700,000 in his Road Reconstruction for FY2007 which was approved in the CIP budget. The participants included Gold and Sewall

Street homeowners having had many meetings with them, the Manchester Diocese, GFI Partners, City of Manchester staff, Mayor Guinta and Mayor Baines who were both active. Implementation actions will require extension of B-2 zoning to AG site, extend single-family and townhome zoning to the Manchester Diocese site behind St. Augustine's Cemetery, need to accept a ROW donation from the Diocese for the Gold Street by-pass, accept a \$4 million contribution from GFI to reroute and reconstruct Gold Street with \$2.8 million to acquire property and \$1.2 million will remain in cash for the Gold Street construction. This is a view of the review, hearing and permitting process...July 11th BMA referral of the zoning extension, property transfer and road construction contribution...the next action would be a public hearing on the zoning extension scheduled for August 7th and that will be part of my request tonight for my motion...it has been determined that it will have to go to the Traffic Committee for one ways and do not enters and things of that nature, ROW's and easements and construction cost contribution and has to be part of the Planning Board date to be determined and part of my request tonight of the Aldermen will be to refer it to the Committee on Bills on Second Reading and should be back in front of the BMA after the public hearing at our September 5th meeting. To acknowledge once again...Attorney Susan Duprey, Steve Goodman with GFI Parnters, Bob LaRochelle, Paul Harrington of the Manchester Diocese, Mayor Baines, Mayor Guinta and City staff...there was about a good two to three hundred hours put into the project and I thank each and every one of them. I would be happy to take any questions at this time.

Alderman Roy stated one of the first things I would like to note is one of the names left off of the acknowledgements is your own in bringing this forward and working that hard is definitely to be commended so thank you, Alderman Garrity, for everything you've done. My first question...the land to the south of the current AG property is a 1.12 acre lot...would that be included in the rezoning, the triangular piece left out there by itself?

Mr. Robert MacKenzie, Director of Planning, replied yes that would be included in the rezoning.

Alderman Roy stated the second question I have has to do more with a potential abutters list...the residents of Beech Hill Drive would they be noticed as one abutter, the new Beech Hill Development Company or would each individual resident be notified?

Alderman Garrity stated that's a question for Tom Arnold.

Deputy City Solicitor Arnold replied as part of a rezoning the statutory requirements, of course, public notification...however, as you may recall a couple of years ago the Board dealt with a policy calling for notification of individual abutters or people in the area.

Alderman Roy stated that still didn't answer my question...it's a large rental complex owned by one development company so would it be one notice to the property owner or individual notices to each renter?

Mr. MacKenzie stated I can answer that. Normally, it would be...since it's not a condominium it would normally just be noticed to the owner of the property. The Board can make that decision if it so chose to notify additional people.

Alderman Roy stated I have no preference it's listed in our GIS system as one owner and so for accuracy of getting the abutters list I feel that one owner should suffice at least in my opinion.

Alderman Lopez stated I have just one basic question...well, two questions. I presume all parties agree with the presentation and everything in the presentation.

Alderman Garrity replied that's correct.

Alderman Lopez asked could you elaborate, Mr. MacKenzie, or somebody...the City would pay the remainder of such expense as engineering, plans, construction, relocation, development expenses of road relocation plan...has there been a value put on that yet? On page 1 of 3 of the agreement to GFI.

Mr. Frank Thomas, Public Works Director, replied as mentioned earlier the Highway Department did prepare a detailed estimate of the proposed construction and that was confirmed also by one of the consultant firms that worked on the project so we do feel that there are sufficient funds with the \$700,000 of Street Reconstruction monies that will be allocated.

Alderman DeVries stated thank you very much and I think Alderman Garrity knows where my question will go...the Rail-to-Trails Project traverses across this area and I'm wondering if somebody can represent how that is going to be affected, if at all, and maybe Mr. MacKenzie might be the best person to do that.

Alderman Garrity stated I will just briefly make a statement on that. The Rails-to-Trails from Gold to Spring Garden is used very actively and I will be approaching Home Depot that the Rails-to-Trails is important from Gold Street to Goffs Falls Road, so it's something I'm not going to forget. Are you looking for an agreement with Home Depot?

Alderman DeVries stated I'm just wondering how it's impacted by this construction project first off.

Mr. MacKenzie stated no there's no impact on the current construction that's underway. There's no widening of Gold Street at that point where the trail could cross in the future. But, again, there's no funding for the Rail Trail south of Gold Street at this point.

Alderman DeVries asked could you clarify the Gold Street widening.

Mr. MacKenzie stated in terms of impact because there's other changes to Gold Street further to the west I just wanted to clarify that where the Rail Trail comes down and meets Gold Street there's no changes to the roadway there, so it's not going to make it wider and, therefore, not make it tougher to cross there for pedestrians or bicyclists.

Alderman DeVries in reference to the ROW stated there's no impediment with the ROW that you're aware of caused by this project...the Rail Trail can continue across Gold Street and onto Goffs Falls.

Both Alderman Garrity and Mr. MacKenzie stated yes.

Alderman DeVries stated I had heard the answer before but since we've had some letters and some questions generated I wanted to be absolutely sure that that can continue on. If I could follow up with one additional question...to follow up on the other comment, Alderman Garrity, certainly partnerships are going to be a big part of the Rail Trail to perform on-going upkeep and I would invite your partnership and working with Home Depot to ask if they could be a partner and I think there's very good signage opportunities in exchange for the efforts so that would be something I would love to sit in on if you need a hand. Thank you.

Alderman O'Neil stated just a clarification...there are two or three rezonings that need to happen.

Mr. MacKenzie stated there would be two lumps I'll call if of rezonings...the one in terms of the AG site would actually involve three properties but it would be one rezoning and in the future in accordance with the agreement the City would be rezoning an area of the Diocese, a portion of the property of the Diocese but that would be one piece of property.

Alderman O'Neil stated so both of those need to happen in order for this to be a deal, correct?

Mr. MacKenzie stated not unless the agreement was modified with the Diocese, yes, they both would have to occur.

Alderman O'Neil asked do we know how much of the Diocese property is available, how much is going to go to the project and how much will be left over in acreage?

Mr. MacKenzie replied not specifically but probably about 10% of this site would be going to the roadway. The larger portion that's remaining would be going to rezoning for multi-family or townhouses and the smaller portion to single-family.

Alderman O'Neil stated based on that approximately how many units could be built.

Mr. MacKenzie replied because this is a slopping land it's a little bit harder to pin down but when we get to the rezoning I could probably have a fairly rough guesstimate for your.

Alderman O'Neil stated that will be in a few weeks we'll have the public hearing is that the intent?

Mr. MacKenzie replied yes. The Diocese rezoning is not scheduled yet, so that is one of the things we have to pin down, I think. August 7th would be the rezoning for the AG site but would have to determine when the appropriate time was for the Diocese rezoning.

Alderman O'Neil stated I just want to make sure. It appears to me that both have to happen in order for this to be...and I don't want to speak for the Diocese.

Alderman Garrity interjected that's correct.

Alderman Gatsas asked Mr. MacKenzie what is the density of the zoning that they're looking to go to.

Mr. MacKenzie replied the zoning of the R-SM or Residential Suburban Multi-Family would be up to a maximum of about 15 units to the acres.

Alderman Gatsas reiterated 15 units to the acre.

Mr. MacKenzie stated yes. Again, that's a maximum based upon perfect conditions but you don't usually hit that number.

Alderman Gatsas stated the zoning to an acre currently in R-1B on 20 acres if the perfect world existed would be 64 units.

Mr. MacKenzie stated yes. I would say typically you could get 5 units to the acre in an R-1B.

Alderman Gatsas stated if I assume that the Gold Street...if you said to me that the roadway was two acres I would say that the smaller piece looks like it might be three acres leaving 15 acres of the rezoning which if it was a perfect world would be 225 units...in a perfect world...15 acres, 15 units per acre.

Mr. MacKenzie stated yeah...probably in that range...perhaps 200-220. Again, I haven't looked at that and I will before the public hearing but that's probably ballpark.

Alderman Gatsas asked what would the rezoning and I probably would defer to my colleague from Ward 1 but I would say that a residential lot in that neighborhood...\$80,000 a lot that are reasonable.

Alderman Garrity stated the total acreage of that site including the roadway is 11 acres according to Mr. Harrington.

Alderman Gatsas stated I'm only going by the computer that's sitting next to me and the tax map shows that it's 20.

Mr. MacKenzie stated I think that's when it included the cemetery as well. It has now been subdivided.

Alderman Gatsas stated could you please say that again.

Mr. MacKenzie stated it originally included the cemetery that went up to So. Beech Street...the entire parcel and I think that's what it's showing. It has been subdivided now so that it's two pieces.

Alderman Gatsas stated so there's 11 acres.

Alderman Garrity stated correct but that includes the R-1B...that includes the roadway and the proposed island.

Alderman Gatsas stated in the perfect world the lots at 12,500 square feet would be about 38 buildable lots...11 acres, 44,000 square feet divided by 12,500. So, if I come back to the 11 acres and multiply the same density that you gave me there would be about 165 units available.

Mr. MacKenzie asked are you using the 11 acres or are you using the reduced amount?

Alderman Gatsas replied down to six acres.

Mr. MacKenzie stated just looking at the plan it's probably going to be then about seven to eight acres of land that would be multi-family.

Alderman Gatsas stated so it's about 120 units.

Alderman Smith stated this is directed to you, Frank. The intersection of Gold and So. Beech...those traffic signals will be four ways when you align the streets. The only reason I'm saying that is you know how steep So. Beech Street is and if you're traveling east I think we've got a problem with snow and freezing rain.

Mr. Thomas stated I don't believe so. Yes, there are steep grades coming in through that intersection but if you look at the intersection itself it's more or less at a plateau up there so I don't foresee that it's going to be a difficult situation. On top of that the So. Beech Street hill gets first attention and constant attention by the Highway Department during the winter months.

Alderman Smith stated what I'm afraid of is if we get stacking up on that hill you know it's a very dangerous situation...if we have two or three cars I think that they're not going to make that hill the grade is so steep there.

Mr. Thomas stated but again I think if you go out and take a look at that intersection I think you'll be able to have two or three cars up at the stop line at that signal at a fairly level portion of the hill. Yes, if you start getting any type of stacking down that hill then it's going to be a little bit more difficult but again that is a high area of maintenance.

Alderman Garrity stated I've been assured by traffic engineers that full traffic signals can go on a seasonal basis if there's snow emergencies so they can go to blinking...that is what we discussed at the neighborhood meeting.

Alderman DeVries stated a question of Frank Thomas because you have the detail on the road construction...the actual cost to construct the roadway exclusive of any land purchase, etc...can you tell me what the cost is?

Mr. Thomas replied our estimate is \$1.85 million exclusive of land acquisition costs.

Alderman DeVries stated and the City if I understand is picking up \$700,000 of that.

Mr. Thomas stated \$700,000. It's \$700,000...if you add the \$700,000 of the balance of the \$4 million we're actually at \$1.9 million to spend.

Alderman Gatsas asked Frank would you agree that this agreement says that if there's any additional cost that it's borne by the City?

Mr. Thomas replied that is correct.

Alderman Gatsas stated so you don't presume that we're going to find any bodies as we're moving earth out there.

Mr. Thomas stated there was quite extensive investigations regarding the limits of that cemetery...the boundary line was well-established and in our dealings with the Diocese we were instructed not to encroach into that area and the alignment that has been proposed by the engineers to date on either side of that area.

Alderman Gatsas asked shouldn't this agreement include a protected covenant for the City?

Mr. Thomas replied I guess you'd have to ask Tom Arnold that question.

Alderman Gatsas stated I guess I'll ask that question of Tom Arnold...Tom, can you give me an answer?

Deputy City Solicitor Arnold replied certainly. While that would be nice I'm not sure the Diocese would agree to it.

Alderman Gatsas stated I understand but I didn't know there was a gun being held to our heads in here.

Alderman Garrity asked would you like to talk to Tom Harrington from the Diocese?

Alderman Gatsas replied no...my concern Alderman is just to make sure that if \$1.9 million is projected for the roadway that if for some reason something develops and I understand that once we go into these agreements that have learned from past history that if all of the t's aren't crossed and the i's aren't dotted we as the City end up taking the burden on...I'm just looking to say what is something happens that we don't have the ability...if it ends up being \$4 million because for some reason there's ledge in there that we don't know about and that cost is borne by whom?

Mr. Thomas replied in our estimate I noted that we built in a 15% contingency which is over \$200,000 and also built in 15% for engineering services so we have 30% of the estimated cost for contingency and engineering.

Alderman Gatsas stated I don't disagree with you but I think you will agree that sometimes those contingencies because we have seen in a \$105 million project don't certainly cover those costs and I'll leave it at that.

Alderman O'Neil stated somebody mentioned that there seems to be a concentration on the Diocese property...Bob, you mentioned that got subdivided when did that get subdivided?

Mr. MacKenzie replied that was to the Planning Board just recently. I know that the Planning Board had questions, the neighbors had questions but I believe all of those issues were finalized and it was just perhaps in the last three months that that happened.

Alderman O'Neil asked was it presented that it was part of this deal?

Mr. MacKenzie replied no.

Alderman O'Neil asked should it have been, could it have been?

Mr. MacKenzie replied I don't know if that was the...I think you'd have to ask them but when I first heard about the subdivision of the Diocesan property I didn't relate it in my head with the AG project.

Alderman O'Neil stated there's a good possibility that those talks were going on outside the City.

Alderman Garrity stated we didn't start talking to the Diocese until about six weeks ago and perhaps less time than that...no it was not part of the discussion.

Alderman Roy stated wearing two hats is a fantastic thing when you sit here...the first the agreement that is included as part of this which probably came from Devine Millimet is an excellent document and covers a lot of bases but they tend to lean towards the developer's viewpoint versus the City's and sitting in this chair I have to represent the City of the taxpayers. My concern with Article V of the agreement...Marketing of Additional Property by Church or by St. Augustine's/St. Anne's...the last part of that paragraph references a location of roads and subdivision and that is an awful open ended statement when we're putting taxpayer dollars to it. I do like this project, I do think it is a good one for the City and I think it can be a win/win for many people here but I would just...more of a statement than a question caution when we go forward to have the Solicitor view this agreement and look at it for protection of the City. The words as part of the marketing process the City agrees to cooperate with any proposal...the purchaser as to the placement of curb cuts, location of roads, proposed subdivision, etc. so that any road construction or planning can be coordinated with the infrastructure of planning and development for any subsequent owner/developer of the property is a very open ended statement which again if I were wearing a different hat I would be having that part of our agreements but since I'm here I would caution the Solicitor and the Board to be careful.

Mayor Guinta stated it's part of the motion that the Solicitor review and approve prior to my signing.

Alderman Garrity asked may I have Frank Thomas address the curb cut issue.

Mr. Thomas stated as far as curb cuts we would just be working with the developer's of those parcels to be able to fit them in...curb cuts would not be placed where they would cause any difficulty to the City. In addition, these agreements that you're referring to have been reviewed by City staff and the Solicitor's office before they've been presented here tonight and they will be getting another review based on the comments that are being brought up.

Alderman Roy stated so what you're saying, Frank, is the statement of location of roads...I've not problem with curb cuts...the Diocese can put in as many curb cuts as they want to to use the highest and best use for their property but my concern is when we're talking about that \$700,000 we are talking about a statement of location of roads, proposed subdivision and a subsequent owner/developer of the property. So, I just don't see how we're protected there.

Mr. Thomas stated it still has to go through the site development process. We will get to review the location of the roadways on site to maximize the development opportunity. I don't believe that this wording gives them the right to ride rough shod over the City we still have the ability to review the development plans. I read it that we would just work with them as we do with any other developer.

Alderman Roy stated I agree and I'm just adding a word of caution...so noted.

Alderman Gatsas stated Frank you're not suggesting to me that if you were the owner of this property that if you brought this agreement to your attorney that you think he's advise you to sign it.

Mr. Thomas replied I think you'd better ask Tom Arnold behind you. Again, all I can do is restate that all City staff that has been involved with this project have reviewed these agreements and they also have gone through the City Solicitor's office.

Alderman Gatsas stated I guess I'll ask the City Solicitor.

Deputy City Solicitor Arnold stated based on the fact that the church is essentially agreeing to donate the property that's necessary for the road the City does get a benefit. I have reviewed the agreement in the context of the agreement with the Diocese I think it adequately protects the City.

Alderman Gatsas asked is there any way we can get independent counsel to view on this thing because I'm just looking at this and I don't see where there's a protection clause in here for the City. I see everybody else being protected, I understand that there's a donation of land but I think if you do the math the donation of land reflects on the price when you get

rezoned and we went through that with Harvey Industries. So, I understand and there's no question that it makes sense that there should be something in that to protect the City. I look at this agreement and I don't see a protection for the City. If somebody can tell me that we don't have the risk that if the road goes to \$4 million that we aren't going to pay it then that's fine but I don't see that in here. I understand the developer's putting their best foot forward...Tom if I wanted an answer I'll ask you the question...but I guess I'm looking to say where is the City protected?

Deputy City Solicitor Arnold replied I understand your concern about what if the costs go beyond the estimates and that's certainly a concern and yes the City does bear the risk there based on the agreement with the developer and the Diocese that the developer clearly agreed to put in a total of \$4 million to this project between property acquisitions which are going to go to the City and part of the construction costs...the Diocese agreed to put in the land necessary for the road across their property and yes the City does absorb some risk.

Alderman Gatsas stated I guess if you're my legal counsel explain to me why you would advise me for me to take any risk?

Deputy City Solicitor Arnold replied because the project succeeds hopefully in correcting a traffic problem on Gold Street.

Alderman Gatsas stated if that is the risk that we're trying to endure then I would say that everybody is going to benefit from this with no risk but the City's taking a risk...developer wins because we get the realignment of Gold Street, the houses get purchased and get away from the Gold Street traffic problem, the Diocese gives the City some land and they get their property rezoned to make it worth a few more dollars...quite a few more dollars. Nobody's at risk in any of that except for the City.

Alderman Garrity interjected the neighborhood wins too.

Alderman Gatsas stated I don't disagree with you but the neighborhood's not at risk...they get the benefit and I don't disagree with you, Alderman. But, I think the City wins in the long run if everything stays along those plans but if there's a glitch then the City loses because it's going to take an awful long time to recoup those dollars in that development and that's all I'm saying...there's got to be some...there shouldn't be 100% on the City's back.

Alderman Lopez stated there's some very good points there but this is going to a public hearing is that right.

Alderman Garrity stated a public hearing on August 7th.

Alderman Lopez stated we're not going to do anything tonight other than to go to the public hearing is that correct? Maybe there will be time to negotiate with the developer to make sure that some of those concerns that we have can be renegotiated so that we're well-protected.

Mayor Guinta stated the vote before us is the vote before us...I would argue that you either vote in favor of it or in opposition based on what before us. This, in my opinion, is a project that's been in the works for 18 months. Certainly, I talked to Mayor Baines about his support of it while he was Mayor and his on-going support as a resident of Ward 9. My dealings in this development have been for the last six months...I must say after spending the amount of time I've spent on it and watching Alderman Garrity with the amount of time he's spent on it...quite frankly, I think that this is an extremely important and viable project for the south end of the City. I think anything we do as a community there's certain risks. This City is being built and being renovated and seeing change because we have a dedication and a commitment to view our community as a whole...this is something that the community wants, the neighborhood wants...Alderman Garrity spent considerable hours, several hundred hours speaking with neighbors and as far as I'm concerned we have an opportunity to reply finally after 20 years to a neighborhood that's been asking for this improvement and I think when you have a developer who's willing to provide \$4 million to public improvement...that's a far cry from where we were ten years ago. So, let's consider the fact that we have a partner who's looking to spend \$4 million and make this improvement. I think there is considerable value to the City.

Alderman Lopez stated I'm just pointing out that there's a legal issue. So, if you're not satisfied then...

Mayor Guinta interjected sure but there's already a mechanism in place. First of all, the Solicitor has reviewed it but based on...it's included in the motion and particularly after the comments that are made tonight the Solicitor looks at it again and any agreement that I sign as a Mayor I'm certainly not going to sign it if I think it jeopardizes the City in any fashion and I take that responsibility very seriously. So, this is part of why we need to have these reviews and these proposals so the Solicitor can hear the concerns of the policy makers. Those concerns are being heard and they will be reviewed by Tom Arnold and by Tom Clark and be approved before I sign them to make sure that there is consideration given to some of the comments that are expressed.

Mr. Paul Borek, Economic Development Director, stated if I could add the City will receive an additional \$190,000 per year in property tax revenue from the redevelopment of the Associated Grocer site by Home Depot alone...that's \$190,000 a year every year and that in some way can help mitigate the financial risk if the construction project were taken by the City of Manchester and the Highway Department so we did do a review of the construction costs...the Highway Department is involved in this kind of construction on a routine basis

but \$190,000 per year based upon the investments and reviewed by the Assessors. In addition, the adjoining parcel could be rezoned as retail based upon these improvements and could generate another increment of new revenue on an annual basis.

Alderman Gatsas asked your Honor, is he looking for me to retort to him because you're talking about in excess of 100 units in the rezoning and what's that impact from the school in that district...have you had that number too?

Alderman Forest stated I think Alderman Garrity has kept most of us apprised of this project...Gold Street, Home Depot and Brown Avenue for the past six or seven weeks...I know I've received phone calls from him as to what he's doing and everything else...he's put a lot of work into this project. I think it's a reliable project. I think tonight we're only going to be voting on sending it to a public hearing so it's coming back before us in September and I think we should at least allow the process to continue by going to the public hearing, get the comments of Alderman Garrity's constituents and everything else and if there hasn't been a motion made I'll make one that we refer it to public hearing on August 7th.

Mayor Guinta stated I appreciate that but I think in deference to Alderman Garrity I'll allow him to make it and certainly allow Alderman Forest to second it.

Alderman O'Neil stated there's actually two different agreement here, right, and the one that seems to be in question is not the agreement between the City and GFI Gold Street it's the agreement between the City and the Diocese am I correct...what I heard from comments on this side from at least two of my colleagues has to go with the agreement between the City and the Diocese.

Alderman Gatsas stated one agreement has not reflection of risk to the City.

Alderman O'Neil stated the risk is the agreement between the City and the Diocese.

Alderman Gatsas stated I agree. And, I guess my understanding is you just started talking to the Diocese six weeks ago.

Alderman Garrity stated it was five weeks.

Alderman O'Neil stated a question if I may from either Mr. Borek or Mr. MacKenzie...what's a piece of property per acre worth that you can put 15 units of housing on?

Mr. MacKenzie stated I'm trying to think of current comparable estimates. I know Alderman Gatsas and I have discussed this on Old Wellington Road before but probably \$50,000 now per unit for multi-family value.

Alderman Gatsas stated so that's \$5 million and 38 house lots is \$2 million.

Alderman Osborne asked when is this going to be coming before Public Safety and Traffic...before or after the public hearing?

Mayor Guinta replied after. Let's get the motion on the floor and I'll take further discussion...I think we all know where we're going on it.

Alderman Garrity moved to refer the proposed zoning amendments to Public Hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall and further to authorize execution of agreements enclosed subject to the review and approval of the City Solicitor. Alderman Forest duly seconded the motion.

Alderman Gatsas stated let me understand what the motion means...the two agreements in here, your Honor, are you saying to me that we're voting on these agreements tonight with the risk to the City?

Mayor Guinta replied no.

Alderman Gatsas stated there's two agreements in here and that was the motion.

Mayor Guinta stated here's the motion...let me read it. The motion was to refer the proposed zoning amendments to Public Hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall and further to authorize execution of agreements enclosed subject to the review and approval of the City Solicitor.

Alderman O'Neil stated so what that motion says is if the City Solicitor is comfortable with the agreements that it does not come back before this body...that's what that motion would allow.

Mayor Guinta stated it would allow me to execute the agreement.

Alderman O'Neil stated I want to applaud Alderman Garrity for the work he's done in here and he has kept us all involved. I guess my issue is with the specific agreement with the Diocese and it's very favorable to one side and it's not the City's and I could vote for the rest of this in a heart beat.

Mayor Guinta stated I don't know that without the donation of the property from the Diocese this project's going to happen.

Alderman O'Neil stated it's not really a donation when you think about it...it's land in lieu of them making \$5 million.

Mayor Guinta stated I think when you look at the entire agreement and I'll certainly let Paul Harrington speak to it but when you look at the entire project and what's being proposed. Again, I'm not going to go through everyone's side of the presentation and the merits of the presentation but I think the City's receiving something that is clearly necessary in the complete renovation of this roadway. Let me ask Paul Harrington to make a quick comment.

Mr. Paul Harrington, Secretary for Real Estate for the Diocese of Manchester, stated we worked very hard getting the subdivision never mind coming here tonight. My intent in this particular project is trying to do as much as I can for Fr. Gallagher at St. Augustine's raise money. Basically, all I want to do is take this 12 acres and sell it right now. I was approached by Alderman Garrity in this situation here with the City and I thought it was a good joint venture with the Diocese and also with the City to work together to get Gold Street...I've lived here all my life and Gold Street's always been a big problem...no question. The agreement that we have is simple fee that we would give up this land for this 60 foot ROW up Beech Street. I didn't know GFI when we were going through this subdivision process...came to me after...I've got three developer's right now that will buy it just the way it is. But, as we got into the dialogue and when City officials came to the Diocese and showed me what they were trying to do to clean up Gold Street I figured this would be a good collaboration to work with the City to put this project together. My problem is if this is going to keep going on and on I might as just...well, it's not worth for me to sit here for another year or two years with this piece of property...might as well just put it on the market and sell it, but I don't want to do that I'd like to work with the Aldermen and with the City. But, if there are questions in our document then maybe we can sit down and iron it out. I don't know...my lawyer's not here tonight...Brad Cook from Sheehan, Phinney & Bass...but, Alderman Gatsas and Alderman O'Neil, if you've got problems with that we could probably sit down and iron them out but I don't know where my problem is. We're giving this land to the City.

Alderman Gatsas interjected if I may address it. Thank you, your Honor. Paul, I understand and maybe if I abstain from this vote you can have a fourth developer that wants to buy the land. So, we can go in the back room and I'll negotiate a deal now and I can abstain from the vote and then I'd be willing to wait because I know that the value would go from three million to five and that's not a bad deal for a rezoning.

Mayor Guinta interjected but that's only if the City puts the road in.

Alderman Gatsas stated I agree and I think that that's all part of this project.

Mayor Guinta stated yes that's what we're trying to obtain here but if it doesn't then...

Alderman Gatsas asked what happens if six weeks from now we do the rezoning and for some reason Home Depot doesn't do their deal and now you have a piece of property that's rezoned and we don't have that \$7 million project that the City was planning on for \$190,000 worth of revenue.

Mayor Guinta stated we have \$4 million from the developer. I think they're moving forward with their project.

Mr. Harrington stated I guess we want to work with the City. I don't like to see another box leave to go to Hooksett or go somewhere else. I'm assuming that Manchester would like to have that particular entity...Home Depot...here. I just need some help here. I've been working on this thing for 2.5 years, I was just ready to put this thing on the market, let it go at 11.5 acres and sell it raw. We're not developers, the Diocese doesn't want to be a developer. We were approached by the City and we were approached by GFI with this proposal. My first glance I said I think you guys are crazy, I think it's not going to work and then the more we got into it with the City and the more that I saw that Alderman Garrity put so much time and effort into it I said come on back to the Diocese, let's regroup and let's see it and I think it's a great plan and I think it's worth...I think it's something that really the City of Manchester should do. I don't know what else I can say. We're just trying to make this thing work.

Alderman Duval asked Frank can you tell me in your best guesstimate...I know you have years-and-years of experience and dedication to the City of Manchester...with regard to Alderman Gatsas' issue...minimal risk, great risk...in your best guesstimate based on the analysis that you've conducted thus far.

Mr. Thomas replied I think we tried to prepare the best estimate that we could do and we have and it's been double-checked by consultant firms. You've got to keep in mind anytime the City puts out a construction project the City takes a risk and that's quite evident lately with the escalation of prices of steel and what not. While we don't have to worry about steel on this particular project but, again, we could hit some ledge but that's why we have a 15% contingency in there. I feel confident based on everything that I've seen to date that we will be able to build this project for the money that we have.

Mayor Guinta stated I think we're ready to move the question.

Alderman O'Neil stated an affirmative vote this evening would authorize you then to enter both of these agreements.

Mayor Guinta stated subject to the review and approval of the City Solicitor...I'm not signing this tomorrow if that's your question.

Deputy City Solicitor Arnold stated obviously these agreements have been reviewed, they been reviewed not only by our office but by a number of offices. There is a basic assumption about the nature of this deal contained in these agreements...that is that the developer puts in a total of \$4 million, the Diocese donates land for the road and this City constructs the road and thereby assumes the risk that it might go over cost. If this Board wants something different than that then I guess we need to be told that. But, that's the basic assumptions that went into the structuring of this deal and the nature of the deal that before you.

Alderman Gatsas asked why can't we move the process along without the authorization of two agreements for you to execute? I'm not opposed to the project. I want to make sure that when we say...because I can only remember...

Mayor Guinta interjected what guarantee are you looking for?

Alderman Gatsas stated I can only remember that somebody told me once before you should read the stuff before you allow somebody to vote on it...the last person that was standing in your place. I think you used to sit beside me...that was a comment about an agreement on another project. So, all I'm saying is is that if this Board's giving you the authority to execute an agreement that maybe changes from what we see here today that may not be the deal we're voting on.

Mayor Guinta stated if there's any substantive changes I'm coming back to this Board.

Alderman Gatsas stated then we should be able to move forward with the project and don't have to agree to the agreements.

Mayor Guinta stated I think that holds up the project. If we don't agree to the agreement then there's no project. This City I think has a recent history of focusing on improving and developing the City and I think that we put faith in our City staff and in ourselves to read the agreements and I certainly hope everybody has read it. I've tried to be diligent in getting Board packets to Aldermen earlier than when we would previously get them for just this reason and I certainly appreciate the dialogue but I'll reiterate this is not going to be signed by me tomorrow. I'm going to sit down with Tom Clark and Tom Arnold again to address the issues that have been raised by some Aldermen here. But, I certainly think that this is a project that is desperately needed by the south end and I think that we're in a pretty good position to receive land and \$4 million to construct the roadway and to complete the project. And, again, that would not have happened ten years ago. You would not have a developer

sitting here looking to give us a check for \$4 million and let's remember address a public safety issue in the south end that has transcended certainly my tenure and Alderman Garrity's tenure as an Alderman. This has been an on-going issue for 20 years. So, this is an opportunity and in my view a very unique opportunity to address that public safety issue and it's something that I know through all the meetings that Alderman Garrity has had with the neighbors they're looking for this, they're asking for this. So, again, we have a fiduciary responsibility, I think we're addressing it seriously but I will express my confidence in the project, in the developer, in Home Depot, in all the parties involved to complete and adhere to the agreement. I don't know many developers who plopped down \$4 million and then walked away from a deal and I certainly don't think Home Depot is looking to do that. I think they're looking to improve their store, improve their service and improve the general vicinity. Now, I've sparked a debate again I guess.

Alderman Smith stated I think we've had enough discussion...could we move on the motion.

Mayor Guinta replied so moved.

Alderman Gatsas requested a roll call vote on the motion.

Alderman O'Neil stated can I ask for a legal clarification...not on the motion. Tom, if one or both of the rezonings don't happen the agreements are worthless, right?

Deputy City Solicitor Arnold replied the agreements are contingent on the rezonings yes.

Alderman Roy stated thank you, your Honor, for this latitude. The AG site as of now GFI Gold Street, LLC that according to our records paid \$7 million in 2004...that deal is closed...Home Depot owns that site...I'm getting a yes and a no. GFI Gold Street, LLC...is that a developer for Home Depot or part of the Home Depot family?

Mayor Guinta replied the owner of the site who would then be leasing it.

Alderman Roy stated okay so we're really talking about an \$11 million investment in that area so we've already had a significant amount of money.

Mayor Guinta stated there's a significant improvement to the overall area, it's more than just the \$4 million that we're receiving.

Mayor Guinta stated a roll call voted was requested by Aldermen Gatsas. Aldermen Gatsas, Long and DeVries voted nay. Alderman Duval, Osborne, Pinard, O'Neil, Lopez, Shea, Garrity, Smith, Thibault, Forest and Roy voted yea. The motion carried.

Mayor Guinta recessed the meeting for short break.

Mayor Guinta called the meeting back to order.

7. Report relative to the Seal Tanning and Granite Street Parking Lots, if available.

Mayor Guinta stated there is no report relative to item 7.

Alderman Gatsas stated I'm looking at something that's been sitting around for the better part of four weeks and I guess at some point are we going to try and realize the highest and best price for the City or are we just negotiating on a deal that's there and I don't know who's negotiating the deal.

Mayor Guinta stated let me give you a brief update. I've met with City staff to talk about this issue, I have also spoken with Mr. Tuttle as have other members of City staff. There has not been any new agreement reached relative to financial numbers and they had asked for a little more time. So, we're hoping...I was hoping to have this issue resolved tonight but quite frankly negotiations have not provided anything that the Board could act on.

Alderman Gatsas asked is there a reason why we wouldn't entertain offers from other people because people have contacted me and there are a lot of people interested in this property.

Mayor Guinta stated at this point if I think there are other interested parties they should...beyond contacting any particular Aldermen they should contact the City.

Alderman Gatsas stated so what you're saying is if somebody wants to make an offer on this property that this Board would entertain that offer if it came forward.

Mayor Guinta stated I'm saying that if there are additional offers I'd certainly like to hear them and see if they're legitimate.

Alderman Gatsas stated I will certainly call those people tomorrow and tell them that they should bring back contracts because it's something that the City would entertain. Thank you.

Alderman Duval stated I know this is going to be a late night meeting for sure, it already is...we have department heads who have no items on the agenda at all and I have no problem with some of them departing us at this point unless other members feel there's a need to have them stick around. I know there's a number of department heads that have no items on the agenda.

Mayor Guinta stated I would defer that to the Board if the member wants to make a motion and the Board feels comfortable with it.

Alderman Lopez stated I think we just move right along and I think we can get through this agenda if everybody sticks to a time limit here.

Mayor Guinta stated if it gets exceedingly late we'll take that issue up again, Alderman.

8. Discussion relative to the Manchester Employees' Contributory Retirement System.

Mr. Randy Sherman, Deputy Finance Officer, stated I will try to make this as brief as possible. I do have my thoughts down here on paper and once I get them cleaned up I certainly will send them out to the Aldermen. If I had known I had four more hours this evening I might have been able to finish it...but, let me go. For over two years there has been an on-going dispute between the City and the Contributory Retirement Systems (CRS) over what has been termed an overdue \$1.4 million receivable. The dispute has lingered so long that the Trustees of CRS have authorized legal action against the City to remedy the situation. On April 21, 2006, the Executive Director of the CRS, Gerry Fleury, sent a letter to the Board of Mayor and Aldermen requesting written clarification from the City as to its intentions relative to the \$1.4 million receivable. On May 8th, the Mayor responded to Mr. Fleury's requesting stating that it was his belief that the \$1.4 million in question was not due. Within the content of the Mayor's letter, I was designated as the contact on the City's side to resolve the matter. Since May 8th, I have discussed this issue with, and met with, Mr. Fleury, Don Pinard, the Chairman of the CRS, their legal counsel, Kevin Buckley, Tom Clark and Scott Bassett and Krintine Carling from McGladrey & Pullen, the City's outside auditor. I have read minutes from every Trustee meeting since April 2004 and in some cases listened to the actual audio-tape. I have reviewed actuarial reports and audited financial statements. And as the Board knows, I have made several data requests for clarifying information and supporting documentation. After having reviewed all of the above, I believe I am in a position to finally resolve the dispute. As result of the December 31, 2003 Annual Actuarial Valuation prepared by Gabriel, Roeder, Smith & Company, their first such valuation on behalf of the CRS, the individual responsible for the engagement, Ken Alberts, recommended employer contributions be made each payroll period. Prior to this recommendation, employer contributions had been made either lump sum at the beginning of the fiscal year or in quarterly or semi-annual installments. The payment scheduled was determined by the entity making the payment whether that be the City, the School District or Water Works. Prior to 1993, the City and the Retirement System were on the same calendar year basis. At the end of one calendar year, a required employer contribution was calculated for a subsequent calendar year. This amount was then disbursed by the City, usually in quarterly increments. In 1993-1994 the City changed to a June 30 year-end causing a

mismatch between the actuarial calculation and the City's budget cycle. The employer contributions continued to be calculated at the conclusion of a calendar year. The City then remitted 100% of that requirement either lump sum at the beginning of the fiscal year or in quarterly or semi-annual installments, as noted above. Upon being presented with the recommendation from Mr. Alberts, the City agreed to begin making contributions on a weekly basis beginning with the week ending July 3, 2004. On July 9, 2004, the Retirement System issued an invoice to the City and the School District for employer contributions relating to salaries paid for the twenty-six pay periods from January 8, 2004 through July 1, 2004. The School District was invoiced for \$404,785. The City, including Water Works and Aviation, was invoiced for \$1,533,975. The School District, Water Works and Aviation have all remitted payment. The balance of the invoice, \$1,205,794, plus accrued interest of \$242,255 for a total of \$1,448,048, is the exact amount of the overdue \$1.4 million receivable if paid by June 30, 2006. Additional interest is accruing after June 30th. After reading the minutes from the meetings of the Trustees, listening to the audio tapes and reading the letters sent to the Board of Mayor and Aldermen and the responses to my inquiries, I believe I now fully understand their position. When the city made a lump sum payment at the beginning of its fiscal year, usually in July, it is their position that this was a payment in arrears for January through June and in advance for July through December. Consequently, by converting to a weekly contribution, a six-month period was created with no corresponding employer contribution. Therefore, a receivable for this six-month period was generated. Based on my research, the premise on which the Retirement System is operating is incorrect. The payments that the City made prior to 2004 were for the period July through June, not January through December. When the City changed its fiscal year-end through an eighteen month transition period, the then actuary, William M. Mercer, calculated an employer contribution for the extra six months. Thought it took until July of 1996 to finally reconcile all of the requirements, the payments and the accrued interest, the full amount was paid. The Retirement System's audited financial statements for 1995, 1996 and 1997 reflect deferred revenue on the balance sheet. According to the footnotes to the financial statements, this deferred revenue represents the prepayment of required contributions for the period January through June. During 1998, the Retirement System changed its policy of recording the prepayment as deferred revenue. In 1998, contribution revenue on the audited financial statements reflected eighteen months of employer contributions. The City does not owe \$1.4 million for the period January through June, 2004. In fact, the additional contributions remitted by the School District, Water Works and Aviation should either be returned, with interest, to the respective parties or credits applied against future required contributions. The 2004 receivable was issued based on a faulty premise. This is understandable. Since the mid-1990's, the Retirement System has seen changes in auditors and actuaries. The Executive Director position has turned over twice in the last ten years and a number of different individuals have served as Trustees. A great deal of institutional knowledge has been lost through these transitions. Over the past two years, statements and misstatements, actions and the misinterpretation of actions has only led to further confusion. As is the case with the Board of Mayor and Aldermen, the Trustees and

Mr. Fleury are hearing of my findings for the first time. I am certain they will want to review the information I have presented. I am equally certain that they will reach the same conclusion. It will continue to work with them in this regard. In the end, actuarial calculations may need to be examined and recalculated, and financial statements may need to be restated, but the matter can be put behind us. In closing I would like to thank, for their assistance, all of the individuals I mentioned earlier, especially Mr. Fleury who took on the burden of responding to my numerous requests for information. I would also like to thank the staff of the Finance Department for their hours of research and the Board of Mayor and Aldermen and the Trustees for their patience.

Alderman Lopez stated the Mayor and Kevin Clougherty sit on the Trustees...do you recommend that they not sit there or they sit there or is there a conflict of interest?

Mr. Sherman replied in going through the records I think it clearly causes a conflict...they're trying to serve two different masters. You've got the Finance Officer sitting as a Trustee and when he speaks at a meeting it's very difficult to tell if he's speaking as a Trustee or if he's speaking as the Finance Officer and I think in some cases it was interpreted as him being the Finance Officer and in some cases it probably was and I think that causes a problem. Many of you may remember a little over a year ago I sat in front of this Board to talk about the health subsidy and the reason I did it and not the Finance Officer is for the same reason...had a conflict being in both locations and needs to step down and have somebody else step in. I think it's very similar with the issue that you had with him being the auditor. It's hard to separate those duties and the same issue with the Mayor. Now, you had the Trustees request a letter of clarification from the City and the letter was written by a Trustee back to the Trustees. Now, I know when the Mayor wrote the letter he wrote is as the Mayor but he left the meeting and by the time he got back to his office he probably had a request to write a letter. So, I do see that there is a conflict there.

Mayor Guinta stated we could make an argument that the same conflict could exist with a city employee.

Mr. Sherman stated absolutely.

Mayor Guinta stated this is an issue and I'm glad you're bringing it up because it's an issue that I think we have to...as a Board...look at very carefully to determine the future of the governing body of that system because it's certainly critical and I think the intention of dividing some sort of pension system is prudent and proper, it's something that the City will always continue to do. But, to ensure the integrity of the system I think is an issue that this Board has to address at some point.

Alderman Gatsas asked Randy did I understand you to day that they've taken legal action?

Mr. Sherman replied they have authorized to take legal action and they were putting it off pending the results. I think when they go back and look at the same documents that I've looked at which certainly are at their disposal they'll reach the same conclusion. This has gone on for two years.

Alderman Gatsas stated so you are going to provide this Board with that same timeline that you read.

Mr. Sherman stated yes. I just need to clean it up and I'll send it out.

Alderman Gatsas stated so in your opinion Aviation, Water Works and the School District...

Mr. Sherman interjected should be getting a refund with interest and the City...what's going to happen...I don't want anybody to think that the \$1.4 million goes away or when they make all these refunds...it's going to get added to the unfunded liability and it will be amortized over a period of years. I believe they're on 28 years so next year it will be amortized starting over 27 years. Eventually, it will get paid or recouped through excess earnings or some fashion but that six-month period was actually picked up over 12 years ago when we converted the fiscal year.

Alderman Roy stated a question as to burden. From what you've seen of what's available to the Retirement Board...the interest payment...what type of number are we talking about.

Mr. Sherman replied I believe when they calculated the interest to the City side they were calculated it at 7.5%.

Alderman Roy stated I would like to see what type of burden that would place on the Retirement System.

Alderman Smith asked has this presentation been forwarded to the Trustees?

Mr. Sherman replied no I will send them a copy as well. The Chairman of the Board is here...

Alderman Smith stated I know he's here that is why I'm bringing it up right now. But, he hasn't seen any of this.

Mr. Sherman stated they have not. I felt...right or wrong...my obligation was to report it to the Aldermen first.

Alderman DeVries asked are you anticipating a timeline for them to take a look at the information and verify or not agree with it.

Mr. Sherman replied no I'm not but really it shouldn't take that much time. It's very clear in their financial statements. My guess is when the change in accounting principles happened a few years before they changed auditors, the new auditor wasn't aware of that change and when the new actuary came in if you listen to some of the tapes you can tell that he isn't following or doesn't understand that the old actuary used to calculate it July through June and again it's simple and it certainly is understandable. But, again, I think if they go back it's pretty clear.

Alderman DeVries asked do you happen to know when they have their meetings would it be...

Mr. Sherman stated I know they met this morning. I'm not sure if it will wait until the next meeting and certainly the Chairman can call a meeting at any time.

Alderman Shea asked what will it take to resolve the matter in your opinion?

Mr. Sherman replied in my mind it's resolved but if I need to sit down with them and walk them through it I think it may actually take them sitting down with their own auditor and going back and looking at the prior financial statements.

Alderman Shea asked how long will it be?

Mr. Sherman replied again it doesn't take more than an hour to go back and take a look at that.

Alderman Shea stated so after an hour you'll come back to us at the next meeting and say it's been resolved.

Mr. Sherman stated hopefully there will be a letter on the agenda from Mr. Fleury.

Alderman Shea stated if this isn't resolved the way you want it to be resolved then what are the implications?

Mr. Sherman replied I think if they tend to disagree then I think what's going to happen is they will file suit and will proceed through the legal system.

Alderman Shea stated they will file legal to get whatever...

Mr. Sherman stated I can't speak for them.

Alderman Shea stated there could be an on-going process that could result in additional expenditures if in fact they don't accept your position. It could result in additional funding on the part of the City to compensate them for whatever legal victory they might have.

Mr. Sherman stated if you lose yes.

Mayor Guinta stated thank you very much.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A. Minutes of meetings held on March 7, 2006; March 21, 2006 (two meetings); March 29, 2006; April 4, 2006 (two meetings); April 17, 2006; April 18, 2006 (two meetings); May 2, 2006 (two meetings); and May 3, 2006.

Ratify and Confirm Poll Conducted

- B. On May 31, 2006 approving the setting of polling hours for the State Primary Election to be held on September 12, 2006 from 6 AM until 7 PM.
(Unanimous vote)

Approve under supervision of the Department of Highways subject to the availability of funding

- C. Sidewalk Petitions – 50/50 Program FY2007.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Approve under supervision of the Department of Highways

- D. PSNH Pole Petition #11-1112 located on Ash Street;
PSNH Pole Petition #11-1113 located on Faltin Drive; and
Verizon Pole Petition #9AAYZB located on Bowman Street.

Informational – to be Received and Filed

- E. Manchester Health Department monthly report summary, June 2006.
- G. Minutes of the June 21, 2006 meeting of the Mayor's Utility Coordinating Committee.
- H. Minutes of the April 25 and May 30, 2006 meetings of the MTA Commission and the Financial and Ridership Reports for the months of April and May 2006.

- I.** Communication from the NH Division of Historical Resources advising that on June 14, 2006 Stark Park was entered into the National Register of Historic Places.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- M.** Recommending that the 4th quarter FY2006 write off list for the accounts receivable module be approved.
(Unanimous vote)
- N.** Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the eleven months ended May 31, 2006 for FY2006 and is forwarding same to the Board for informational purposes.
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)
(Unanimous vote)
- O.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report all invoices for interdepartmental billings only;
 - d) open invoice report all invoices due from the School Department only;
 - e) listing of invoices submitted to City Solicitor for legal determination; and
 - f) accounts receivable summary.
- (Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)
(Unanimous vote)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- P.** Advising that it has approved Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

and is recommending same be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote)

COMMITTEE ON BILLS ON SECOND READING

- S.** Recommending that ordinance amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38.”

be referred to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

COMMITTEE ON JOINT SCHOOL BUILDINGS

- U. Advising that it has authorized execution of DMJM Contract Amendment #3, as enclosed herein.
(School Committee Members Beaudry, Herbert, Gelinas and Alderman Roy voted yea; Aldermen Thibault and Forest were absent.)

COMMITTEE ON LANDS AND BUILDINGS

- V. Recommending that a request of the Currier Museum of Art for an easement to allow footings of a replacement and proposed retaining walls to encroach onto Beech and Prospect Streets rights of way be approved as described in the description enclosed herein and incorporated by reference, subject to review and approval of the City Solicitor and Public Works Director, with any related costs for document preparation and recording to be borne by the Currier Museum; and further that the Mayor be authorized to execute any documents relating to such transaction subject to the review and approval of the City Solicitor.
(Unanimous vote)

- X. Recommending that the Board of Mayor and Aldermen find property located at L Chenette Street known as Map 0372, Lot 0010-A surplus to City needs and further that:

In accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at L Chenette Avenue, known as Map 0372, Lot 0010-A by executing deeds releasing all rights, title interest, or claims in said property. Said property was acquired by the City of Manchester by virtue of Tax Collector's deed dated November 21, 1994, and recorded in the Hillsborough County Registry of Deeds, Volume 5593, Page 1655, on November 23, 1994.

The Committee advises that it finds just cause to dispose of such through sale to an abutter as the property can serve no public purpose, there is only one direct abutter to Lot 10A whose acquisition of said lot would adequately resolve a building encroachment problem. The Committee recommends sale to the abutters Donald J. Pouliot and Nancy E. Pouliot of 95 Brent Street conditional upon lot consolidation with Lot 10 at a price of Four Thousand One Hundred Fifty-dollars (\$4,150.00), a value deemed reasonable by the Board of Assessors.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary. Pursuant to Statute requirements, enclosed is an ordinance which is recommended for referral to the Committee on Bills on Second Reading.
(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

- Y. Advising that it has approved the Wayfinding Signage concept and request that staff return to the Committee with specific signage that will be placed in the pilot area consisting of the downtown and a small portion of the west side.
(Unanimous vote)
- Z. Recommending that the Board approve the Traffic Signal Agreement

between the City of Manchester and the Town of Bedford, as enclosed herein, and further that the Mayor be authorized to execute the agreement subject to the review and approval of the City Solicitor.
(Unanimous vote)

- AA.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
(Unanimous vote)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN LONG, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- F.** Copy of a communication from school nurses expressing their concerns pending possible transfer to the Manchester School District.
(Note: response from the Health Director enclosed.)

Alderman Shea stated I realize that Fred has responded to the concerns on the part of the nurses, however, having had nurses in my building as a principal in my building for 32 years I know that I speak in a sense for them in the sense of retirement, seniority, sick leave and supervision and I want to make sure that before any agreement is reached and I've been called by different nurses I have had different experiences with that all of these items would be amicably settled so that there wouldn't be any disagreement and I know that as of right now although there has been a letter answering this by the Health Director I still think there's a little bit of anxiety existing at this time so that before any merger is done that these people who have worked there for several years have the assurance on the part of the Board of Mayor and Aldermen that their retirement, seniority, sick leave and other matters would not impact them negatively.

Mayor Guinta stated I would concur and my approach would be to...at some point...before the end of the calendar year, if possible, is to put some sort of recommendation together for review by this Board and review by the nurses. The intention here is essentially to consider looking at placing them under the proper jurisdiction but ensuring that they have all of the benefits that they've received at this point and future benefits. So, I would agree and would be happy to work with you on that project.

Alderman O'Neil stated a quick question on that...there also could be a pro on why the system should stay as it is...the conclusion at the end of that could be the status quo is the best service.

Mayor Guinta stated that's correct.

Alderman Shea moved to receive and file the communication from the school nurses.

Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

J. Copy of a communication from Congressman Bradley relative to flooding in May 2006.

Alderman DeVries stated though this is relative to a communication the reason I pulled it off was to ask if we, at some point in time, could have a final briefing on the flood activities. I know I still feel a little left out in the air. There were some problems I guess you would say...an initial shortage of sandbags and I've never heard of a kind of final analysis...anything that was recognized from the emergencies in the City, any changes that might be forthcoming. I'm also still waiting to hear how some of our CSO, our storm drain separation project and FEMA dollars.

Mayor Guinta stated some of that information is forthcoming, we're waiting on it but we'll put together a date for a final briefing once we've compiled the information we'll certainly include both Chiefs in on that...we'll get something scheduled.

Alderman DeVries moved to receive and file the communication from Congressman Bradley. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

K. Proposed Zoning Changes as follows:

“Amending the Zoning Ordinance of the City of Manchester by revising the CV (Conservation) zoning district boundary along the Piscataquog River.”

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include all of Tax Map 381, Lot 47.”

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned R-1B(PO) (Residential One Family/Professional Office Overlay) located on the northeasterly side of South Willow Street.”

“Amending the Zoning Ordinance of the City of Manchester by changing the expiration period of variances, special exceptions, and conditional use permits in Article 15.03 to be consistent with the expiration period in Article 14.02.”

“Amending the Zoning Ordinance of the City of Manchester by inserting additional language into Article 6.10 Special Lot sizes in the R-2 District for clarification and consistency with the original intent of the special lot sizes in this district.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.09B 2 regarding the use of front yard areas for parking in residential districts.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

“Amending the Zoning Ordinance of the City of Manchester by revising the definition of Lot Width in Article 3.03 Definition of Terms.

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 9.07 to restrict the location of electronic message boards and flashing signs.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.06(C) regarding required loading spaces.”

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

Alderman Gatsas stated I assume the zoning changes, Mr. MacKenzie, must have come forward from the Zoning Board.

Mr. MacKenzie replied these are changes that are recommended from actually four City departments and includes Manchester Water Works, Public Works Department, our department and the Building Department. There’s also the two other private requests...there’s one on Holt Avenue that’s a private request that I don’t think is listed in this section and the Associated Grocers rezoning.

Alderman Gatsas stated I got a call from a constituent the other day who was putting a dormer on his house that was existing since 1951, the side yard setback should be 10 feet and he was at seven and I would think that if you were going straight up on a dormer not infringing anymore on the side yard that there would be some understanding by the Building Department that he shouldn’t have to go for a zoning or variance change because he’s not infringing anymore on the side yard. Is there any way that somebody can talk to them about whether we can incorporate amending the zoning Ordinance that it says if somebody’s not encroaching a side yard or rear yard but just going up.

Mr. MacKenzie replied I know we had a couple a few years ago the Board did grant the Building Department a little bit more flexibility but I think that flexibility was like one or two feet but I certainly could speak to the Building Commissioner, I don’t think he’s here right now about that...do you want to put Max Sink on the spot.

Alderman Gatsas replied yes we certainly can.

Mr. Max Sink, Deputy Building Commissioner, stated I can tell you as far as that particular issue goes I know the Zoning Board would like to see some changes to the ordinance but they haven’t specifically given the Building Commissioner any authorization to allow that. Even when you’re going up...a setback basically extends.

Alderman Gatsas stated all I'm saying is that for somebody to go forward and have to spend \$1,500 to get a survey that's got to go to the Planning Board, the Zoning Board and they're going to grant the variance.

Mr. Sink stated the survey issue is a different thing altogether. Typically, what we've gotten in the past is if there is nothing in our record that shows what the setback is other than plans from the 50's and 60's there's no real way for the Zoning Board to be sure that that's actually the case. Inevitably down the line bank refinancing requires surveys to get them in...that's been the problem.

Alderman Gatsas stated I certainly understand that if you're encroaching the side you have more than what it is but if you're just going straight up.

Mr. Sink stated I think a change can be proposed it's just not in this package.

Alderman DeVries stated I didn't hear why this is coming forward now because the lookback provisions have been kicking around for about six years. Why is this before us today?

Mr. MacKenzie replied there were a couple of key pieces...Manchester Water Works wanted to move ahead with a watershed protection. We felt that the lookback should come in at the same time since there were changes that had to be done and the Highway Department also needed a provision changed at the landfill. So, we just put it out together as a package of changes.

Alderman DeVries stated included within it as you well know are some very controversial rezonings along So. Willow Street that have been hotly contested and just as hotly contested today that affects both Ward 8 and Ward 9. Part of my concern is that you're looking at one public hearing for all of this and considering the So. Lincoln, Laxson, Doris, Parkview...that could be a very long full meeting and I'm thinking that we ought to take those residential rezonings and separate it from the rest of the parcel. I'll like to divide that right out of this this evening and would offer that motion. I'd like to remove it from this and let the rest go forward as it is would be my motion to remove those from the rest of those provisions. So, that would be to remove the second and third ordinances listed and pass the remainder.

Alderman Garrity duly seconded the motion.

Mayor Guinta asked for clarification.

Mr. MacKenzie replied the second item of Item K which talks about extending B-2 that's the AutoTorium site and the third item, the next one right after that is the one that deals with the properties on Laxson and Doris Streets.

Alderman DeVries stated my thought is these are very controversial...commercial right up against residential zones that have been hotly contested for 40 years. Any conversation that I have had with the property owners or developers have indicated to them that they should be working with respective plans showing any buffers, any improvements to the property so that the neighborhood can become more comfortable with the project before it is brought forward for rezoning and I still stand on that today. I really think that as Alderman Garrity has done on Gold Street there needs to be individual time spent with the neighborhoods to let them know what the proposal looks like, accomplish some buffering ahead of asking us to rezone the properties. They have not accomplished that goal so I would take this right out of the rezoning lookbacks this evening.

Mayor Guinta stated let me ask you this...when was the last time you've conveyed that position to...are these the two separate owners I assume.

Alderman DeVries stated there's several owners.

Mayor Guinta asked when was the last time you conveyed that to them?

Alderman DeVries replied one of them just before the property line went to Ward 9 which Alderman Garrity would have to take over.

Alderman Garrity stated it's been an on-going issue and it deserves a little more neighborhood meetings and things of that nature...needs a lot of leg work on these two in my opinion. The particular commercial owner down there hasn't been as cooperative as we would like in the neighborhood.

Mayor Guinta stated the motion is to amend the referral to the Committee on Bills on Second Reading listed as Item K deleting the second and third ordinances and refer the remaining ordinances concurrently to the Committee on Bills on Second Reading and to a public hearing on Monday, August 21, 2006 at 6 PM in the Aldermanic Chambers of City Hall to allow the City Clerk's office ample time to process notifications to abutters.

Alderman Roy in reference for the fifth ordinance down on page four regarding Table of Accessory Uses stated if I read that correctly "one trailer, one unregistered or otherwise one non-road worthy automobile or one boat"...so I'm to understand that you're allowed to registered automobiles and one of those following items in your yard other than that you would be in non-compliance.

Mr. MacKenzie stated this one was requested as a clarification by the Building Department and I'd probably defer to Max.

Mr. Sink stated right now you're allowed one unregistered automobile. We've seen and there's no language that talks about road worthy or inspection...so, we're seeing property owners go out and register cars that are still up on jacks, the engine is one the ground but we thought by adding road worthiness that we could address that.

Alderman Roy stated okay so the only thing be added is the italicized or otherwise "non road worthy".

Mr. Sink replied yes.

Alderman Shea stated I'm concerned about the use of front yard areas for parking in residential districts...would you clarify that. Are people going to be parking on lawns now because that's the front of the yard or what?

Mr. Sink replied no that would be on a paved area adjacent to the driveway...that the inferred language.

Alderman Shea stated when I had my driveway paved I had to pay \$25.00 even though I wasn't going to use an additional area of my residence. What is to prevent someone from not coming down to City Hall and getting some kind of a permit to pave a part of their front yard in order to put another car or vehicle there? Are we opening ourselves up to all kinds of different problems here. Certain parts of this City won't have that and I know that and we know where that part of the City is but other parts of the City where there will probably be abuses here if we're saying you can use your front yard area for parking because there are now two or three vehicles in that particular residence.

Mr. Sink stated this change doesn't alleviate the necessity t get a permit to put in the paving.

Alderman Shea stated it allows them to get a permit in order to pave it.

Mr. Sink stated yes for up to one parking space and the reason is that what we've seen is that as families grow today everybody's got a car...it's gone beyond the one or two cars per family...every teenager gets a car these days and people are going ahead and paving additional areas in their front yard with getting permits.

Alderman Shea asked aren't we making our City a "parking lot" in many instances now.

Mr. Sink stated the language restricts them to areas outside of the required building setback. So, in other words, if you're in an R-1B zone which requires a 20 foot building setback this parking space that we're proposing would be beyond that 20 feet if you have to put it in.

Alderman Shea stated well I think we're opening a can of worms here but one of the questions that Alderman Gatsas asked and I'll go over to Bob MacKenzie. Have any of these things been cross checked or reviewed by the Zoning Board, you mentioned that there were four departments but people sit here and Max is here and he knows me because I've been here so many times...now, is the Zoning Board aware of any of these particular changes, Bob...the Zoning Board...yes... have you contacted Mr. Freeman or anyone on the Board?

Mr. MacKenzie replied the Zoning Board of Adjustment hears appeals from the Zoning Ordinance. Under State Statutes they do not necessarily propose new changes.

Alderman Shea stated but they're not familiar with these particular changes now are they?

Mr. MacKenzie replied unless the Building Department occasionally receives requests from them for potential changes so I would defer to Max but we have not submitted these...under State Statutes and the City procedures these are being submitted to the Planning Board for their comments and review.

Alderman Shea stated so they wouldn't really be familiar with any of this until they would hear the appeals from constituents who want variances, special exceptions and so forth.

Mr. Sink stated correct. They can be made aware of it...I can get their input.

Alderman Shea stated I think it might be helpful because they are making decisions that are profound as far as affecting the quality of life for people in different neighborhoods and of course if you're here...you see the place is loaded every Thursday once-a-month.

Mr. Sink stated the business meeting is sort of like a wish list of what they'd like to see changed.

Mayor Guinta stated there still should be a distinction of policy on this Board and sort of the quasi judicial role that the Zoning Board plays, so I'd like to just be careful.

Alderman Shea stated I realize that but I think the more familiar they are with different changes they're not going to impact the changes...I'm just saying if they become familiar with these things the better they're able to make decisions I would think.

Alderman O'Neil stated I just wanted to follow-up on Alderman Gatsas' comment and I don't believe we're talking about the same house lot or same house but this issue with dormers...I think that's becoming pretty common now where people want to go up another floor but are into that setback area...it's funny he mentioned it to Alderman Osborne and I and we're aware of one in his ward and somehow was able to get resolved to the best of my

knowledge. But, it would be helpful to the citizens of the City if we could streamline the process and maybe give the Building Department a little more discretion and not have to go through the whole ZBA process. So, if there's some suggestions that the department has that we change that would streamline things a little bit I'm all ears to that.

Alderman Osborne stated I was always under the assumption that a driveway for parking cars...I always thought that the car had to be beyond the front of the house...it can't be beyond the very front end of the house, it has to be set back, is that true?

Mr. Sink replied no, not exactly. Driveways are defined in the ordinance...access to parking...but the ordinance allows for one parking space in the driveway front yard...that driveway has to lead to a conforming parking space or a garage.

Alderman Osborne stated but they can park beyond the home as long as they're not on the sidewalk that is.

Mr. Sink stated right now you can park one car in your driveway front yard.

Alderman Osborne asked has it always been that way?

Mr. Sink replied no this was a change as of 2001.

Alderman Osborne stated I know that years ago it wasn't that way you had to be beyond your dwelling from the sideyard.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Alderman DeVries stated we're just looking for a quick clarification on Item K. We voted the amendment did we did it all as one motion.

Mayor Guinta replied yes...we removed two and three and it's been referred to a public hearing on August 21st.

L. Design Guidelines for the Arena Overlay District.

Alderman Duval moved to refer this item to the Committee on Bills on Second Reading and refer to public hearing on Monday, August 21, 2006 at 6 PM in the Aldermanic Chambers of City Hall rather than August 7, 2006 to allow the City Clerk's office ample time to process notifications to abutters. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Bills on Second Reading

Q. Recommending that ordinance amendments:

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester.”

ought to pass.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

Deputy Clerk Kang noted to the report would need to be amended in order to substitute the class specification for the Canine Handler Supervisor.

On motion of Alderman Duval, duly seconded by Alderman Pinard, it was voted to amend the report by substituting the class specification for the Canine Handler Supervisor.

Alderman Duval moved to accept the report as amended. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Bills on Second Reading

R. Recommending that ordinance amendments:

“Repealing the 1993 BOCA National Plumbing Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances and adopting the 2000 edition of the *International Plumbing Code* as amended by the State of New Hampshire Board of Licensing and Regulation of Plumbers.”

“Amending Chapter 1 Administration of the Building Code of the City of Manchester providing for increased fees.”

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the City of Manchester providing for increased fees.”

be referred to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

Deputy Clerk Kang noted the report in order to substitute the first and third ordinance amendments and recommend it be referred to a public hearing on Monday, August 21, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

Alderman Duval moved to amend the report as noted by the Clerk. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Duval moved to accept the report as amended. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Joint School Buildings

- T. Advising that it has authorized processing of legal expense payments from the School Facilities Improvement Project Contingency regarding Gilbane. *(School Committee Members Beaudry, Herbert, Gelinas and Alderman Roy abstained; Aldermen Thibault and Forest were absent.)*

Alderman Roy stated a quick clarification. The agenda has me voting yea, I abstained from that initial vote and I would also ask the Solicitor to give this Board a brief update.

Deputy City Solicitor Arnold stated certainly I can report that after going through the procurement process we obtained the law firm of Wiggin & Nourie to defend the City. We had a meeting with the attorneys assigned to this suit, not this past week but the Friday before. They have, of course, been given relevant documents and are in the process of reviewing them to prepare the City's answer and statement of affirmative defenses.

Alderman Gatsas stated could somebody just briefly give me an explanation of when this Board authorized anybody to go out for an RFP for legal counsel on this matter or has anybody else been briefed on what the lawsuit...has there been a briefing of this full Board on the lawsuit?

Mayor Guinta stated I'm just trying to remember the chronological order of things. I believe I issued a letter to the Board of Mayor and Aldermen...the day I found out about it I did speak to Alderman Lopez, then issued the letter providing a status at that point. Prior to that though we had gone out for RFP for legal and I'm trying to think how the Board was notified of that but there was a verbal notification and possibly could have been in non-public session.

Deputy City Solicitor Arnold stated it could have been. I don't recall. I would note back at the February 21st meeting there was a motion to authorize our office to request qualifications for a construction litigation specialist.

Alderman Gatsas stated if there was a lawsuit.

Mayor Guinta stated yes.

Alderman Gatsas stated but at that point in February there was only newspaper rendition of assertions of lawsuit.

Mayor Guinta stated but now there's a lawsuit.

Alderman Gatsas stated I would think that before somebody...why wouldn't this Board maybe make a decision to say let's settle it for fifty cents (\$.50) and Gilbane would accept the fifty cents before we hired outside counsel.

Mayor Guinta stated I can you it's clear they're not going to accept fifty cents.

Alderman Gatsas stated I'm just exaggerating, your Honor, but I would...as a Board member who represents Ward 2 constituents in this City, I certainly would like to be briefed. I haven't seen the lawsuit.

Mayor Guinta stated I certainly don't have any problem with the Solicitor's office briefing this Board and that can either be done now or we can choose a different meeting date to do that.

Deputy City Solicitor Arnold stated if the Board would like I could certainly provide them with a copy of the pleadings that were filed.

Alderman Lopez stated conversations with this Board and Tom Clark have been held many times in reference to the authority of the Committee on Joint School Buildings...money that is in contingency...the question I asked was if there is a lawsuit would they be able to use that money out of contingency and his answer was yes at some point...the second point I want to make is that we always see the copy of the lawsuit...I've received a copy and I would presume other Aldermen received a copy.

Mayor Guinta asked has everyone received it. I sent it out with the Writ the day I received it.

Alderman Lopez stated I think the Joint Committee which represents both parties took the appropriate action, it's not costing the City money...so, we were informed I just wanted to bring that to everyone's attention.

Alderman Gatsas stated I guess a follow-up to where Alderman Lopez was...I've got the minutes of that February 21st meeting which I am sure you must have looked at. In here I ask for the City Solicitor to give me an opinion on RSA 33 B whether those funds could be allocated for anything else other than the project by Statute on the State level on bonded money...that was in here. I don't know what his response was...it's not in here, he said he was going to look at it and get a qualified statement.

Mayor Guinta asked have you received a response from the Solicitor?

Alderman Gatsas replied I don't know if I have or not.

Mayor Guinta stated why don't we verify...let's make sure that gets done if it hasn't been done.

Alderman Gatsas stated so I guess my question is before somebody can authorize it the RSA is very, very clear it needs a two-thirds vote by this Board to move any money off of any bonded project to go anywhere else.

Alderman Lopez stated I think the RSA in refer to the Joint School Buildings Committee does have authority over projects...Tom Arnold would you...

Mayor Guinta stated this should be included in the report we get from the City Solicitor but I think your point is that we provide the Joint Committee with authorization so I think hence the request of clarification from you.

Alderman Gatsas stated the bigger clarification is that the Finance Officer needs to get from Bond Counsel that those funds can be used for something else as legal and it can be charged against the bond and I think we need that and I'd like that in writing from Bond Counsel before we start jumping too far with legal fees and not having the authorization to do it.

Alderman Roy stated I just wanted to let this Board know that the Joint School Buildings Committee was informed that those expenses could come from contingency by not only the City Solicitor but the Finance Department also and I would just request that that is followed up in writing to any Alderman concerned.

Mayor Guinta stated I will have Tom Arnold take care of that.

Alderman Gatsas asked on that issue what happens...let's assume...I guess the lawsuit was for \$10 million.

Mayor Guinta stated in their Writ their demand I think was \$10 million.

Alderman Gatsas stated let's assume that we go to court and there's a \$10 million judgment against the City...not enough money in contingency to pay for...if this Joint Committee is making the decision who's going to pay the bill?

Mayor Guinta stated in that hypothetical there's obviously not money but Gilbane's also clearly indicated that they would accept a settlement far less than the \$10 million.

Alderman Gatsas stated whether somebody has addressed this to give us an answer somebody needs to tell us who's on the hook if it's \$10 million...now, I don't know if anybody's asked that question but I think that if we had the ability to ask it...legal counsel either that we've hired or what we have here somebody's got to respond to it. Is it our bill, is it the School District's bill, is it the Joint Committee's bill, whose bill is it.

Mayor Guinta stated why don't we do this...by Thursday if any Alderman has any particular questions if they could be submitted to the Solicitor's office and we'll have the Solicitor respond to everything...that way we could get everything answered and if there's follow-up needed we can certainly get the follow-up.

Alderman Roy while I do agree where the Alderman is going I would just caution all Board members that this is a lawsuit that is on-going and there may be times that a non-public session to meet with counsel would be advisable. Discussing future settlements or anything like that in public forum is not recommended.

Alderman Long stated I had a lengthy discussion this afternoon with Solicitor Arnold and that was the same question I asked that Alderman Gatsas asked related to this. I think we need to be very cautious on the appropriation of this contingency money. The answer that I got to the question of who's at risk, it's the City that's at risk not the School Department. Hypothetically, that money runs out...the City appropriates money into that committee to disperse again and those are the kinds of clarifications I needed and I went through the RSA 199 with them with respect that this Joint Committee oversees and decides all matters relating to any construction on school halls buildings and the Solicitor assured me that all matters would be legal matters is one thing and there's also all funds appropriated by the city council for the construction of a new schoolhouse I asked is contingency included and all funds appropriated and he told me yes it would be. So, once again we're at risk and we don't have the control.

Mayor Guinta stated the agreement is with the City of Manchester and the bond is issued through the City of Manchester so I think it's the City that is being sued and the City that bears the risk/burden.

Alderman Gatsas stated going back down that road where Alderman Long was just at if that's the case why are we allowing the Joint Committee to make that decision and not this Board?

Mayor Guinta replied that's a position that I have questioned as well in the past and something I'd like the Solicitor to demonstrate if that's the case why and should that authority rest with the full Board.

Alderman Osborne asked who made the changes in the first place?

Mayor Guinta asked who made what changes?

Alderman Osborne replied changes in the construction of this...this is what they're suing.

Mayor Guinta stated change orders go through the Joint Committee but the suit's far more complicated than that but the change orders have to be approved by the Committee I think for over \$25,000.

Alderman Osborne stated so that's a combination of Aldermen and School Committee Members.

Mayor Guinta stated yes.

Alderman Smith stated I have a copy of the Writ...I just want to ask Tom did we comply with a written appearance to Superior Court?

Deputy City Solicitor Arnold replied yes.

Alderman Smith asked when did we do that?

Deputy City Solicitor Arnold replied I couldn't give you the exact date but the counsel that we hired filed a written appearance.

Alderman Smith stated it does say the City of Manchester it doesn't say the School Board.

Deputy City Solicitor Arnold stated correct.

Mayor Guinta stated a motion would be in order to accept the report.

Alderman Roy moved to accept, receive and adopt the report of the Committee on Joint School Buildings. Alderman Pinard duly seconded the motion.

Alderman Gatsas requested a roll call.

Mayor Guinta stated on accepting the report.

Alderman Gatsas stated so...what this is saying is processing of legal expense payments.

Mayor Guinta stated it was just accepting the notification.

Alderman Gatsas stated I can't accept the notification if I don't agree that they should be authorized to make that judgment call and make the payment.

Mayor Guinta stated I think we're accept the fact that they put something in paper and notified us. I don't think we're acknowledging or agreeing with what they put in the

document. We're just simply accepting it as advisory it doesn't mean we agree with the contents of the...

Alderman Gatsas stated I would send an opinion back...how do we do that?

Mayor Guinta replied amend the motion.

Alderman Roy stated or make a separate motion.

Mayor Guinta stated sure we can make a separate motion. Can I get an opinion from the Solicitor on what action the motion means?

Deputy City Solicitor Arnold replied the committee report is merely advising that it's authorized the process of legal expense payments from the School Facilities Improvement Project for the Gilbane lawsuit...merely advisory. If the Board wishes to convey that it has some question or disagrees with the authority of the Joint School Buildings Committee to authorize such a payment I guess there could be a motion to that effect and I'm not exactly sure where it would go quite frankly.

Mayor Guinta stated okay so we can do two motions is what I'm hearing you saying.

Alderman Gatsas stated the reason why I'm asking that if there's a lawsuit against the City those funds are joint funds with the School District and the sending districts are paying for the repayment of those dollars we'd better be very sure and clear we're able to do it if there's a shortfall...that's my concern of why I'm asking. I think that because of the fact that we put ourselves in a legal position that's contradictory to what sending districts may think.

Mayor Guinta stated by accepting the advisory...I want to somehow acknowledge that we've discussed the issue...that's all I'm trying to do. We're still going to get the opinion, advisory from the City Solicitor's office so if there's another motion...do you want to table it...non-debatable.

Alderman Gatsas moved to table Item T. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas moved to send clarification to the Committee on Joint School Buildings...I don't think they should be making legal, binding obligations on a lawsuit that as Alderman Smith was so kind to tell us was made out to the City.

Mayor Guinta asked are they making any legal binding decisions?

Alderman Gatsas stated they went and engaged council didn't they. They agreed to pay legal fees out of that contingency.

Deputy City Solicitor Arnold stated they agreed to pay the legal fees...that was on the basis that what the suit while it names the City is based on the School Construction Project which is part of the bond funds.

Alderman Lopez asked can't we have legal counsel report to this Board through our City Solicitor other than the Joint Committee?

Mayor Guinta replied yes and if I haven't been clear we're getting a report from the Solicitor's office and if everyone could possibly provide their questions to the Solicitor's office no later than five o'clock on Thursday to address all those issues I think that would probably give us the clarification, the individual clarification that we're requiring. If that's not sufficient then I'm certainly willing to hear a motion from Alderman Gatsas.

Alderman Gatsas stated all I'm looking for is to make sure that we're going down the right legal road.

Mayor Guinta stated can we get the opinion from the Solicitor before we make a motion on it and have that included.

Alderman Long stated it may be out-of-order but Hugh also authorizes monies to the REA.

Mayor Guinta stated the execution of the DMJM Contract Amendment 3, which has been...

Alderman Long stated with respect to Ted McManus...30 hours per month.

Mayor Guinta stated that's been accepted.

Alderman Roy stated just as a clarification upon receiving the Writ from Gilbane that we were getting sued the City had to respond and by responding what the Joint School Committee did vote which I abstained from was just to give a place where the money could come from. The money has to come from either the project or the taxpayer. Right now, I personally believe it should stay with the project but I do believe better reporting should come to this Committee regarding what's going on with the lawsuit because the City is named. So, while I do agree with getting more information we either have to pay for it out of the contingency and out of the project or out of other taxpayer funds. So, one way or the other the lawsuit has to be defended and in the eyes of everyone on the Joint School Buildings Committee defend it vigorously and that's why outside counsel which was approved by this Board was retained. So, it's a matter of either or it doesn't matter what the

Joint Schools Building Committee did it has to be paid for somewhere to defend this vigorously and that's coming from the project at the advice of the Solicitor.

Mayor Guinta stated thank you for the clarification.

Report of the Committee on Lands and Buildings

- W. Recommending that the City relinquish municipally controlled air rights held over the parking lot immediately South of the Jefferson Mill building to Brady Sullivan Properties in consideration of Brady Sullivan constructing, at their own expense, a deck providing parking for tenants. Additionally, Brady Sullivan is to convey to the City of Manchester rights to construct a riverwalk along the Merrimack River adjacent to the western wall/property line of their building. The Committee further recommends that execution of such relinquishment be made subject to the approval of the City Solicitor and Public Works Director.
(Unanimous vote)

Alderman O'Neil stated quickly. I heard from a long time mill building owner and he reminded me of this item although he's not the particular one affected by this air rights situation that there is still an issue in the Millyard that needs to be looked at regarding parking for the entire Millyard and wanted to pass that on and will move to accept, receive and adopt the report of the Committee. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta presented the following nominations pursuant to Section 3.14(b) of the City Charter.

Board of Registrars:

Kathleen Payne to succeed Dorothy Krasner, term to expire May 1, 2009.

Heritage Commission:

Derek M. Dufresne to fill a vacancy as an alternate, term to expire January 1, 2007;
and
Stephanie F. McLaughlin to fill a vacancy as an alternate member, term to expire January 1, 2007.

Planning Board:

Karen Roberge to succeed herself, term to expire May 1, 2009;
Robert F. Martel to fill a vacancy, term to expire May 1, 2009; and
Richard Molan to succeed himself as an alternate, term to expire May 1, 2009.

Parks, Recreation and Cemetery:

Michael Worsley to succeed himself, term to expire July 7, 2009.

Safety Review Board:

Phil Hebert to succeed himself as a citizen member, term to expire March 15, 2009;
and
Thomas O'Neil to succeed himself as a citizen member, term to expire March 15, 2009.

Board of Health:

Kristin Schmidt, MPAS to succeed Jazmin Miranda-Smith, term to expire July 1, 2009.

Building Board of Appeals:

Sean P. Toomey to succeed himself, term to expire January 8, 2009.

Conduct Board:

Jay M. Cadorette to fill a vacancy, term to expire October 1, 2007.

Mayor Guinta stated pursuant to Rule 20 of the Board of Mayor and Aldermen these nominations will layover to the next meeting of the Board.

Alderman O'Neil moved to suspend the rules and confirm the nominations of those individuals being reappointed with the remainder being laid over. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta stated as a note I just want to make sure that everybody read it that I am appoint State Representative William Infantine to succeed Raymond Buckley as the Mayor's designee to the MCAM Advisory Board which is effective immediately.

- 11.** Confirmation of the nomination of Gerard L. Thibodeau to succeed Jen Drociak as a member of the Conservation Commission, term to expire August 1, 2006.

Alderman Garrity moved to confirm the nomination of Gerard L. Thibodeau as presented. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

- 12.** A motion is in order to accept the resignation of David Jespersen as a member of the Manchester Transit Authority, term to expire May 2007.

Alderman Long moved to accept with regrets the resignation of David Jespersen as a member of the Manchester Transit Authority. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

- 13.** Communication from Alderman Long submitting the nomination of Carol Ann Williams to succeed David Jespersen as a member of the Manchester Transit Authority, term to expire May 2007.

Alderman Long moved to nominate Carol Ann Williams to succeed David Jespersen as presented. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried. The nomination would lay over to the next meeting.

Alderman Lopez moved nominations to the Conduct Board of Dennis Smith to fill a vacant regular Aldermanic appointment, term to expire October 1, 2008; and Michael P. Craig to replace Dennis Smith as the Aldermanic alternate member, term to expire October 1, 2007. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Alderman Roy in reference to Item 11 (Mr. Gerard L. Thibodeau), term to expire is August 1, 2006...would it be appropriate since we will be meeting on August 1st to possibly lay over the nomination for an additional term.

Mayor Guinta replied I would be happy to take it now.

Alderman Roy so moved to accept the nomination of Mr. Thibodeau for an additional term to lay over to the next meeting. Alderman Shea duly seconded the motion to lay over Mr. Thibodeau's subsequent appointment. There being none opposed, the motion carried.

A report of the Committee on Community Improvement was presented recommending that the Board authorize transfer and expenditure of funds in the amount of \$4,000.00 for the 2007 CIP 412007 Police Substation-Eastside Project, and for such purpose resolutions and budget authorizations have been submitted.
(Unanimous vote)

Alderman Forest moved to accept, receive and adopt a report of the Committee on Community Improvement. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Resolutions:

“Amending the FY2003 and 2007 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Four Thousand Dollars (\$4,000.00) for the 2007 CIP 412007 Police Substation – Eastside Project.”

“Authorizing the Finance Officer to effect a transfer of Four Thousand Dollars (\$4,000) for the 2007 CIP 412007 Police Substation – Eastside Project.”

Alderman Forest moved to refer the Resolutions to the Committee on Finance. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

16. A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2003 and 2007 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Four Thousand Dollars (\$4,000.00) for the 2007 CIP 412007 Police Substation – Eastside Project.”

“Authorizing the Finance Officer to effect a transfer of Four Thousand Dollars (\$4,000) for the 2007 CIP 412007 Police Substation – Eastside Project.”

ought to pass and be Enrolled.

Alderman Garrity moved to accept, receive and adopt the report of the Committee on Finance. Alderman DeVries duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

17. Report of the Committee on Community Improvement relative to a petition for discontinuance of a portion of So. Bedford Street, if available.

Deputy Clerk Kang advised that the petition for discontinuance of a portion of So. Bedford Street was tabled in Committee this evening, therefore, there was no report. However, there are two other reports to be presented at this time.

Alderman Duval moved to refer the matter pertaining to So. Bedford Street to the Special Committee on Riverfront Activities. Alderman Lopez duly seconded the motion.

Mayor Guinta stated I’m having a hard time trying to remember where you are.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion passed.

Alderman Duval moved that any department heads remaining in this building as of this morning who does not have any items left on the agenda may be allowed to leave. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

A report of the Committee on Community Improvement was presented advising that it has approved the allocation of FY2007 Motorized Equipment Replacement (MER) funds, as enclosed herein.

(Unanimous vote)

Alderman Garrity moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Community Improvement was presented recommending that the Parks, Recreation and Cemetery Department be authorized to enter into an agreement with the West Jr. Deb Softball League providing them with \$75,000 to procure lighting and other desired field improvements negotiated with private contractors by the league, subject to the review and approval of the City Solicitor.

The Committee notes that the Parks Department will oversee all improvements ensuring standards and specifications are appropriate; and, further that the agreement is consistent with city procedures which allows for the desired improvements by the softball league.

(Unanimous vote)

Alderman Forest moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

- 18.** Report of the Committee on Lands and Buildings relative to the Ash Street School, if available.

Mayor Guinta advised there was no report available.

- 19.** State Legislative update presented by Mayor Guinta, if available.

Mayor Guinta advised there was no State Legislative update to present this evening.

- 20.** Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Thibault, duly seconded by Alderman Pinard, it was voted that the Ordinances be read by titles only, and it was so done.

These Ordinances having had their second reading by titles only, Alderman Long moved on passing same to be Enrolled. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Pinard, duly seconded by Alderman Thibault, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester.”

were properly enrolled.

Alderman Smith moved to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

- 24.** Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, October 14, 2006.

Alderman Thibault moved to accept the funds, remand for the purpose intended, and authorize the Public Works Director to execute any documents necessary to carry out the project. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

- 25.** Communication from Chuck DePrima, Deputy Director, relative to an Executive Order issued by the NHDES to the City mandating the completion of either repair or removal of the Black Brook Dam.

Alderman Garrity moved to refer the matter pertaining to Black Brook Dame be referred to the Committee on Community Improvement next week. Alderman Lopez duly seconded the motion.

Alderman Gatsas stated I appreciate where the Chairman’s going but we’ve heard about this dam about 17 times. Maybe this Board needs to make a determination of whether we’re taking it down or whether we’re leaving it up.

Mayor Guinta stated there already has been a determination by the last Board of Mayor and Aldermen...there has been no action relative to that position...is that stated correctly, Mr. MacKenzie?

Mr. MacKenzie replied yes. The previous Board indicated they would like to keep the dam but did not authorize any additional money at that point to make the repairs.

Mayor Guinta stated so I think it is appropriate for a CIP discussion.

Alderman Garrity stated that is my intention...we've got an ultimatum now, so we have deal with it next week.

Alderman Shea stated I think in hindsight if we had voted correctly we wouldn't have any expense at all and I think the vote was 8 to 6 at that time with a couple of people leaning one way or the other. I think right now we have to do the best possible...I hate to use the word "thing" but we have to make the best decision that's going to be in the best interest of the taxpayers of Manchester because as they explained to us from the State they were willing to bear the full cost and we as a Board said no...there were three or four people on the Board that objected so we find ourselves now in a position where we have to make sure we abide by whatever rule the State has. So, I think we have to be very cautious about how we approach this...whether we're going go throw money into a situation where we're not going to get a just return. So, if the State's willing to give us 60% I think we ought to work with them and try to get the best possible return and that would be a motion that I'm making.

Alderman Forest stated I think before we go there I think maybe Chuck DePrima ought to come up. I don't know if we go an offer from the State.

Mayor Guinta stated first of all there is a motion on the floor for this to be referred to CIP meeting next week so we can have this discussion there. There was a letter that was sent by the State, it's outlined what the options are because there's a financial implication, it should be discussed then.

Alderman Shea stated wasn't it stating that they would be willing to foot 60% of the cost.

Mayor Guinta stated the other 40% would be in-kind...theoretically we wouldn't have to expend additional dollars.

Alderman O'Neil stated that's to remove it, your Honor.

Mayor Guinta stated yes.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

26. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Alderman Pinard moved to commit the warrant in the amount of \$114,900.00 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

27. Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48 (C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”

On motion of Alderman Roy, duly seconded by Alderman Thibault it was voted to dispense with the reading of the Ordinances by titles only.

These Ordinances having had their third and final reading by titles only, Alderman Roy moved on passing same to be Ordained. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

28. Resolution:

“Resolution adopting the provisions of RSA 261:54 Additional Fees for Registration Permits.”

On motion of Alderman O’Neil, duly seconded by Alderman DeVries, it was voted that the Resolution be read by title only, and it was so done.

Alderman Pinard moved that the Resolution be adopted. Alderman Lopez duly seconded the motion.

Alderman Gatsas stated this is about increasing car registration.

Mayor Guinta stated yes it is.

Alderman Gatsas asked does this have to go before a public hearing? I request a roll call vote.

Mayor Guinta replied I don’t think it does. This would be a final adoption.

Deputy City Solicitor Arnold replied yes.

Mayor Guinta stated so it’s raising the fee to register a vehicle from \$2.00 to \$5.00. I would make the statement that I’m opposed to it, the increase.

Alderman O’Neil stated we approved this in our budget.

Mayor Guinta stated I do have veto authority on this vote. So, I know Alderman Pinard made the motion...you're sure you want to make the motion.

Alderman Lopez stated he made it.

Mayor Guinta stated this vote we are going to take is on increasing the registration fee on vehicles from \$2.00 to \$5.00 and I've indicated my opposition of that increase.

Alderman Gatsas stated that really pertains to a hidden tax to register automobiles.

Mayor Guinta stated I don't think it's hidden it's right out there for everyone.

Alderman Gatsas stated Joan Porter is still here she hasn't left so she must know this item is coming up. Can I ask her a question? With the increase in the fee how does this compare to what Londonderry charges for the automobile rentals at the Airport and do I understand that that's a 50/50 split...that 50% of them come and 50% go to Londonderry.

Ms. Joan Porter, Tax Collector, replied she just asked Mr. Dillon the Airport Director that question and he said we would probably lose some.

Alderman Gatsas stated if we lost those how much would it cost the City in revenues?

Ms. Porter replied they're all new cars so it would be significant.

Alderman Gatsas stated significant being more than what we would be realizing in increasing the fee to the rest of the City.

Ms. Porter stated they're estimating \$390,000.

Alderman Gatsas stated so we could be putting more money than what we were receiving in the fee in jeopardy if we did this if they just went to Londonderry if that fee was less. I think Mr. Dillon has always cautioned us about that in the past and so have you. I just happen to remember what you tell us when you come up. So, we could be in jeopardy of not only the \$390,000 but additional revenues.

Ms. Porter stated for the permit.

Alderman Long stated Joan I don't know if you can answer this probably Mr. Dillon can with respect to...there's a contract between Manchester and Londonderry, is that a contract or is that a choice?

Ms. Porter replied it's unwritten.

Alderman Long stated so there's not a contract between Londonderry and Manchester that they split.

Ms. Porter stated an agreement of sorts.

Alderman Osborne asked where are these cars based? Are they based in Manchester or are they based in Londonderry?

Mayor Guinta replied it's the Airport.

Alderman Osborne stated I know but it's a tough situation.

Mayor Guinta stated mostly the Airport lies in Londonderry so it's their prerogative, it's not an unforceable agreement.

Alderman Roy stated Joan just so I'm crystal clear about this...800 vehicles total 400 registered here and 400 here.

Ms. Porter stated not 800 and 800.

Alderman Roy stated that revenue is \$390,000.

Ms. Porter stated that's with the \$3.00 extra than the current.

Alderman O'Neil stated that's on all cars.

Ms. Porter stated yes on all cars.

Alderman Roy asked what would you say the average registration on the 800 cars is?

Ms. Porter replied most of them are probably at the 18 mil rate and most of them are probably in the \$20,000 range so \$360-\$400.

Alderman Roy stated so that's a revenue of \$288,000, \$360 times 800.

Ms. Porter stated right now I'm not going to be responsible for figuring that out.

Alderman Roy stated so if we lost all of those we'd lose a \$288,000 revenue based on those numbers and how many vehicles are registered throughout the City.

Ms. Porter replied 117,000 last year.

Alderman Roy stated so if by chance we lost all of them we would only have a net increase of \$71,000.

Ms. Porter stated if you say so. Right now, I can figure it out.

Mayor Guinta stated a roll call vote was requested by Alderman Gatsas. Alderman Gatsas, Shea, DeVries and Garrity voted nay. Alderman Long, Duval, Osborne, Pinard, O'Neil, Lopez, Smith, Thibault, Forest and Roy voted yea. The motion carried.

Mayor Guinta vetoed the motion that the Resolution be adopted.

Alderman O'Neil moved to override the Mayor's veto. Alderman Forest duly seconded the motion.

Alderman Gatsas requested a roll call.

Alderman O'Neil stated it's always respectful, your Honor.

Mayor Guinta stated of course it is. I certainly would appreciate the support of at least one additional person to change their vote. Someone who supported my approach in budgeting in the City so we could save the taxpayers.

Alderman forest stated your Honor, I don't think any of the seniors are up to listen to this tonight.

Alderman Roy stated just as a clarification if this fee does not come in as a revenue then in October when the Finance Department puts their numbers down for the State this would have to end up on the tax base, tax rate.

Mayor Guinta stated yes. But, I certainly assure the opinion of Alderman Pinard that we need to be very respectful.

Alderman Gatsas stated if this doesn't get voted in then we're revenue neutrality. If we vote this in and 800 cars go to Londonderry because it's only a matter of taking a stack of paperwork to Londonderry to get them registered we aren't going to see the revenue either and it could be a bigger implication than what the City Tax Collector just gave off the top of her head as a number.

Mayor Guinta stated I think that's a solid argument, absolutely.

Alderman O’Neil stated can I ask a question of Mr. Dillon. Do we happen to know are we more expensive with this fee than Londonderry?

Mr. Dillon replied slightly.

Alderman O’Neil stated we’re all sitting here making assumptions but don’t know factually. We’re guessing, we’re all sitting here making assumptions.

Mayor Guinta stated from a policy perspective I don’t believe that we should be increasing the rate because I do believe that it is a fee increase but I think we need to be respectful.

Roll call vote was taken to override the Mayor’s veto.. Aldermen Gatsas, Long, Pinard, Shea and Garrity voted nay. Aldermen Duval, Osborne, O’Neil, Lopez, DeVries, Smith, Thibault, Forest and Roy voted yea. The motion failed.

Alderman Lopez stated you just increased the taxes.

Resolutions:

“Amending the FY2003 and 2007 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Four Thousand Dollars (\$4,000.00) for the 2007 CIP 412007 Police Substation – Eastside Project.”

“Authorizing the Finance Officer to effect a transfer of Four Thousand Dollars (\$4,000) for the 2007 CIP 412007 Police Substation – Eastside Project.”

On motion of Alderman O’Neil, duly seconded by Alderman Garrity, it was voted that the Resolutions be read by titles only, and it was so done.

Alderman Pinard moved that the Resolutions pass and be Enrolled. Alderman O’Neil duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEM

- 29.** Report of the Committee on Human Resources/Insurance recommending that the Board establish a policy preventing part-time employees from purchasing health insurance upon retirement.
(Tabled 06/06/2006)

On motion of Alderman Gatsas, duly seconded by Alderman Long, it was voted that Item 29 be removed from the table for discussion.

Alderman Gatsas moved to refer Item 29 back to the Committee on Human Resources/Insurance. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

30. NEW BUSINESS

Alderman Roy moved for reconsideration of Item 28 relative to a “Resolution adopting the provisions of RSA 261:54 Additional Fees for Registration Permits.” which you just vetoed and I would also ask the Clerk to find out what the fee is in Londonderry for our next meeting.

Mayor Guinta stated so noted. Mr. Arnold can you clarify if that’s acceptable notification.

Deputy City Solicitor Arnold replied yes it’s proper.

Alderman O’Neil stated in our deliberations during the budget process there was a lot of talk about centralized purchasing and fleet management and we did end up passing a resolution that funded centralized purchasing but we passed no ordinances. In the meantime, we have this whole situation of fleet management and centralized purchasing in limbo out there, employees not knowing where they’re going, what they’re doing, etc. and I move that those two items be referred to the Committee on Administration and we start working on it as soon as possible. Alderman Pinard duly seconded the motion.

Alderman O’Neil stated from what I understand Finance has already moved forward with the purchasing cards are we committed to that, do we have a contract.

Mayor Guinta asked do we have a contract?

Mr. Sherman replied yes we do.

Alderman O’Neil stated that’s for every department to use.

Mr. Sherman stated all purchasing cards are really is just a fancy name for a credit card and we’ve had a credit card program in the City, I believe, since about 1996 so really all we did was we bid out the credit card service.

Alderman O’Neil stated it’s different than what items Kevin provided me.

Mr. Sherman stated again...

Alderman O’Neil stated I don’t want to debate it tonight but that should be included as part of this whole discussion as well.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Alderman Forest moved I would like to ask the Board to waive the greens fees on September 11th at the Derryfield Country Club for the Senior Center fundraising golf tournament. Alderman Lopez duly seconded the motion.

Alderman Shea stated later on today at six o'clock tonight there is going to be a meeting at the Engine 7 Fire Station with constituents of Ward 7 regarding the recent crime that's occurred there and the quality of life, so anyone that's listening from Ward 7 it will be tonight at six o'clock.

Mayor Guinta called for a vote on the motion relative to the waiving of greens fees. There being none opposed, the motion carried.

Alderman Lopez requested the City Clerk take care of the ceilings in the Aldermanic Chambers.

Alderman Smith stated your Honor I just want to welcome you next Thursday the thirteenth to our Ward 10 meeting at six-thirty at St. A's Institute of Politics and we'd like to invite everybody from Ward 10 and the Mayor will answer all of your concerns.

There being no further business to come before the Board, on motion of Alderman Garrity, duly seconded by Alderman Smith, it was voted to adjourn at 12:45 AM.

A True Record. Attest.

City Clerk